HOUSE OF REPRESENTATIVES—*Wednesday, October 4, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 2000.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Lawrence A. Lambert, Jr., First United Methodist Church, Greensburg, Kansas, offered the following prayer:

Almighty God, Creator of all people and nations, acknowledging Your preeminence, we acknowledge our humanness. Asking for Thy Grace and Mercy, forgive us when we wound Your Heart and grieve Your Spirit in the world.

Renew our congressional leaders and all Americans in the challenge to keep our Nation physically strong, mentally awake, and morally straight.

Awaken the pioneer spirit within our leaders and all Americans to explore and reclaim the truths that were founded in this Country and in which our Nation with humility proclaimed ''In God we trust!''

Help us embrace Thy eternal truth that outweighs any falsehood.

O God, empower Congressional leaders to fulfill the mandate not to be served, but to serve. Lift them on Wings as an Eagle, discerning Your compassion, Your love, vision, will, and purpose.

Grant them wisdom for a moral and just society bearing always the poor and powerless as Your mandate for leadership. Bless each dedicated House Member, their staff, and their families, in Thy gracious name and in the name of our Lord, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. Con. Res. 60. 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. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled ''The United States Capitol'' as a Senate document.

WELCOME TO REVEREND LAWRENCE A. LAMBERT, JR.

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

Mr. MORAN of Kansas. Mr. Speaker, I am here to welcome to the House Chamber and to our Nation's Capitol one of my constituents and one of the citizens of Kansas, Reverend Lambert, who is here today with his wife, Linda, and graciously delivered the invocation on our proceedings today.

Reverend Lambert is the United Methodist minister in the community of Greensburg, a community of several thousand people in the southern part of Kansas. It is a delight to have him and his wife with us.

I appreciate his prayers and concerns for our country and for the House of Representatives and for the task we have before us. This is Reverend Lambert's first visit to the Nation's Capitol, and we are delighted to have him as our guest today.

THE UNITED STATES SHOULD TAKE ACTION TO HELP CITIZENS OF SIERRA LEONE

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

Mr. EHLERS. Mr. Speaker, I rise again today to discuss the abominable situation in Africa. We have had over two decades of killings, maimings, abductions, and the murder of approximately 1 million Africans. Our State Department has done virtually nothing.

If we compare what has happened in Africa and what has happened in Kosovo and Bosnia, where we have sent troops, Bosnia and Kosovo do not begin to compare in deaths and human agony with what has happened in Africa.

I am particularly concerned about Sierra Leone, where we now have a battle over diamonds. It is not a political battle, it is a battle for money, for diamonds, for power. Charles Taylor of Liberia undoubtedly is interfering. There is some evidence that Mr. Qaddafi from Libya is also interfering, and others from Guinea and other lands. And yet, we do nothing. We stand and watch it happen.

Last week in a hearing chaired by the gentleman from California (Mr. ROYCE) of the Subcommittee on Africa, we saw the maimed and injured, little children whose arms had been chopped off, a terrible, terrible sight, and our State Department and our country have done virtually nothing.

It is time for us to rise up and help the citizens of that Nation. I ask that we do that.

WEN HO LEE, A JUSTICE DEPARTMENT SCAPEGOAT

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

Mr. TRAFICANT. Mr. Speaker, I do not know if Wen Ho Lee is a spy, but one thing for sure, Wen Ho Lee is a scapegoat. Wen Ho Lee was a diversion used by Janet Reno to avoid the appointment of an independent counsel to investigate illegal Chinese campaign contributions to the Democrat National Committee.

Who is kidding whom? Even Barney Fife can see through this ploy. Wake up, Congress. A Chinese Red Army general, a Red Army general was one of the Chinese who funneled money to the Democrat National Committee, and there has been no investigation. Beam me up.

I yield back the treason of Janet Reno and the secrets still to be stolen by the Chinese.

MISLEADING STATEMENTS BY THE VICE PRESIDENT

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

Mr. BALLENGER. Mr. Speaker, do Members remember that all-American slogan: baseball, mom, and apple pie? We have a new campaign slogan today, thanks to the Vice President, the person who supposedly invented the Internet. It goes, dog, mother-in-law, and prescription drugs.

This week, the Boston Globe, no member of the vast right wing conspiracy, and the Washington Times both reported that GORE made up an anecdote about the cost of drugs. Why would the Vice President mislead our Nation's seniors and the entire media by telling a bogus personal story that his mother-in-law pays three times the price for arthritis medicine as compared to his dog? Why would he stretch the truth on such an important issue that the Republican House already has taken action on to lower the cost of medicines by 25 percent? Why would he puff up a false personal story? Solely to score political points with our Nation's seniors?

Whatever the motive, it is time for some straight talk, not invented rhetoric. America's families and senior citizens deserve no less. People should come before politics.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

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

Mr. PASCRELL. Mr. Speaker, the House passed the reauthorization of the Violence Against Women Act on September 26. The funding for that act expired on September 30. When is the Senate going to act?

The vote here was 415 to 3. The House took great strides in reauthorizing the funding programs in the VAWA that will improve the quality of life for millions of women and children across the country. It reauthorizes programs that make a real difference in our communities: the STOP grants, the National Domestic Violence Hotline, battered women's shelters, rape crisis centers.

I visited one of those centers just recently. They are doing the job. That is why we reauthorized it. Where is the Senate? We must be sensitive to the needs of every woman who is a victim of these tragic circumstances.

I would like to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS) for their leadership on this critical legislation.

BUREAUCRATS PRACTICING MEDICINE

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

Mr. GIBBONS. Mr. Speaker, obviously, I am no medical doctor. Therefore, I would never presume to know what medication, for example, would be better to treat the heart condition of a 72-year-old woman in Winnemucca, Nevada.

Yet, the Gore plan thinks that Washington bureaucrats should know best which drug should or should not be used by my constituents 2,000 miles away in Nevada. After all, that is what his Medicare Modernization Act calls for, 182 new mandates on prescription drug delivery, including a government formulary to cover prescriptions. If a drug is not listed in the Gore formulary, Medicare will not cover it, and a needy citizen, a senior, will not be able to obtain their life-saving medication.

Mr. Speaker, this same plan has failed miserably in Canada and Europe. My fellow citizens in Nevada and across America should not be denied access to the prescription drugs they need by Washington bureaucrats whose only medical credentials are that they have visited a doctor for their yearly physical.

I yield back the Gore government-run prescription drug plan that has Washington, D.C. deciding which medicines should be in our cabinet.

URGING CONGRESS AND THE ADMINISTRATION TO RESTORE PEACE IN SIERRA LEONE

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

Mr. HALL of Ohio. Mr. Speaker, I rise today to share with this Congress a story of a young girl who was maimed by thugs in Sierra Leone. These are some of the kids that testified before the Congress last week.

Bintu Amara, who is in this picture, who is 9 years old, watched rebels chop off her leg last year. They did it to terrorize everyone who sees her, and remind all the world that they will stop at nothing in their bid to control the country's diamond mines.

Bintu did not say much at the special hearing that the gentleman from California (Chairman ROYCE) held last week, but she did tell this Congress that she wants very much to go to school. That is not likely to happen, I am sad to report. Today, diamonds will earn $37 million for rebel armies, like the one that did this to Bintu. Tomorrow they will earn another $37 million, and so on.

I urge this Congress and this administration to do something about this, not in a year, not some day, but today. Americans buy two-thirds of the world's diamonds. They would be horrified to know that this is where their money goes.

We owe it to them, we owe it to Bintu, to do something about this tragedy.

ILLEGAL PRACTICES BY THE CLINTON-GORE ADMINISTRATION

(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, last night in the Presidential debate AL GORE's words ''No controlling legal authority'' came up. What George Bush should have said is that all those words mean is, ''Catch me if you can.''

Everyone in Washington knows it is illegal to use foreign money. It is illegal to launder money. It is illegal to sell access. It is illegal to use your phones, your computers, your office, your staff, for raising funds.

The Democrats have accepted millions of dollars in foreign moneys, laundered money, and turned the Lincoln bedroom and the coffee klatches into a money-making machine.

Mr. GORE not only participated and planned, he was a cheerleader of this administration and their corrupt practices in the White House. That is why

the American people are disappointed in Vice President AL GORE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that the Member should avoid personal references to the President or the Vice President.

CONGRESS MUST WORK TO PAY OFF THE PUBLIC DEBT AND PROVIDE A PRESCRIPTION DRUG BENEFIT TO SENIORS

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

Mr. BARTLETT of Maryland. Mr. Speaker, in this time of great prosperity, it is imperative that Congress works to pay off the public debt and provide a prescription drug benefit for all seniors.

The Nation has a public debt of over $3 trillion. However, in the last 3 years, Republicans have paid down $354 billion in public debt and are on track to completely pay off this part of the national debt by 2012.

Republicans are committed to using 90 percent of next year's budget surplus to pay off the public debt, while locking away 100 percent of the social security and Medicare surpluses.

While we remain the most prosperous Nation in the world, the sad reality is that there are still some seniors who have to choose between putting food on the table and the prescription drugs they need to live healthy lives. Mr. Speaker, that is not fair.

When we passed a prescription drug benefit that was voluntary, available, and affordable for all seniors, the gentleman from Illinois (Mr. GEPHARDT) and the Democrats walked out on seniors. That is not right. Republicans will not walk out on seniors, and will continue to work to find a bipartisan solution to reducing the cost of prescription drugs while working to pay off our public debt.

THE PRESIDENT SHOULD PUT DEBT REDUCTION AHEAD OF SPENDING AND AGREE TO REPUBLICAN 90/10 PROPOSAL

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

Mr. HERGER. Mr. Speaker, it has been 22 days since the Congress proposed to lock away 100 percent of the social security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for public debt reduction. It has been 22 days that the Clinton-Gore administration has refused to answer our calls for debt reduction.

There will be an estimated $268 billion surplus this fiscal year. Our question he simple: Should it be used to pay off the public debt, or should it be spent on ongoing Washington programs?

□ 1015

Republicans are for using the surplus to pay off the debt. Where do President Clinton and Vice President GORE stand? Our children and grandchildren deserve better than to inherit mountains of debt.

Mr. Speaker, I urge the President and Vice President to put debt reduction ahead of spending and agree to our 90–10 percent proposal.

UNITED STATES MUST DO MORE FOR JUST PEACE IN SIERRA LEONE

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

Mr. ROYCE. Mr. Speaker, the war in Sierra Leone has been one of the most barbaric in the world. A rebel group, the RUF, supported by neighboring Liberia, has been conducting the most hideous of violence against civilians in this west African country. They are doing this to steal the Nation's diamond wealth.

Last week, 4-year-old Memunatu Mansaray told us how her and her grandmother were among 300 people who sought refuge in a mosque when rebels attacked the capital. When she cried out, the hiding population was discovered, and all but her were shot dead. She survived because, when it was her turn, a rebel commander told a 12-year-old boy, a boy captured and drugged by the rebels, not to waste a bullet on her, but to cut off her hand. Her right hand was amputated that day when she was just 2 years old.

Fortunately, private Americans have come forth to give her medical attention. But there are thousands of other child victims with nothing. As a matter of fact, there are 20,000 amputees. I believe that those who saw her left with an awareness of why the U.S. must do more to help bring a just peace, a just peace to Sierra Leone. This savagery has to stop.

PRESIDENT AND CONGRESS SHOULD WORK TOGETHER TO ELIMINATE DEBT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it has been 22 days ago since Republicans asked the President and Vice President to join us in dedicating 90 percent of next year's surplus to eliminating the national debt. Even last night, the Vice President said he wanted to reduce the debt. But as of this morning, we have not heard a word from either one of them.

I am curious, what are they waiting for? Could it be because the Vice President has proposed over $1 trillion in new government spending? I think it is. It seems the Vice President cares more about spending the surplus than saving it. Why else has he been silent on joining our efforts to eliminate the debt?

This Democrat administration spending spree will jeopardize the health of Social Security and Medicare, and that is just wrong. I tell the Vice President, come on, together let us eliminate the national debt. Social Security and Medicare depend on it.

WOMEN'S CAUCUS COORDINATED EFFORT ON PASSING VAWA

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, one of the top priorities of the bipartisan Women's Caucus is reauthorizing the Violence Against Women Act. The House has already passed it by a nearly unanimous vote, 415 to 3.

But while women are being beaten up and children continue to witness violence every day in their homes, the Senate and the conference committee have yet to act. It is time for action. We are calling, in a bipartisan way, on our colleagues in the House and the Senate on the conference committee. We know that this bill will save lives. We know that it helps our communities deal with domestic violence.

We know that passing VAWA is one way to stop the cycle of violence in America. We know that the prosecutors and law enforcement officers support it. How long must our children suffer the consequences of family violence. Every day that goes by without passing it is too long.

We call upon this House and Senate and conference committee to pass the Violence Against Women Act.

PRESIDENTIAL CANDIDATES DISAGREE ON TAXING ISSUES

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

Mr. ARMEY. Mr. Speaker, as a result of decades of social engineering, the United States Tax Code has evolved into a complex maze of deductions, credits, exemptions, and special preferences under which taxpayers with same incomes can pay vastly different amounts in taxes.

This uneven treatment of taxpayers is fundamentally unfair and it is at odds with the American value of equality under the law.

Unfortunately, Mr. Speaker, Vice President AL GORE's economic plan

would make things even worse. Although the Vice President claims to provide middle class tax relief, he actually provides meager relief only to those individuals who agree to live the government-approved AL GORE mandated life-style.

As a result, the Wall Street Journal reported yesterday ''families earning identical amounts of money would pay widely different taxes and families earning more money than others could pay significantly lower taxes.''

Those who choose the GORE life-style get a tax break. Those who choose to live their own lives get nothing. For example, if one purchases a costly electric car, the Vice President gives one a tax break. If one purchases a Ford pickup truck, one gets nothing. That is not my definition of fairness. That is not my definition of freedom.

Governor Bush, however, has a different approach. He believes that all Americans are overtaxed and worthy of some relief, even those who drive Ford pickup trucks. His evenhanded plan would provide relief to virtually every taxpayer. That, Mr. Speaker, is fair.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT OF 1994

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, October is National Domestic Violence Awareness Month, a time for us to reflect upon the damage done to American society by domestic violence.

Scratch the surface of any of our Nation's most challenging social problems, from crime in schools to gang violence and homelessness, and one is likely to find the root cause is domestic violence.

Law enforcement officials report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm.

What does this tell us? It tells us that violence begets violence, and it is incumbent on all of us to try and break the cycle. That is exactly what the Violence Against Women Act, VAWA, of 1994 has helped us to do over the last 6 years.

Let us get to the President's desk now the 5-year reauthorization of VAWA. It is a vital investment in this Nation's future.

PAYING OFF DEBT PRESERVES THE POLITICAL AND SPIRITUAL HERITAGE OF OUR GRANDCHILDREN

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

Mr. SCHAFFER. Mr. Speaker, nearly 40 years ago, President Dwight D. Eisenhower warned ''we cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage.

''We want democracy to survive for all generations to come, not become the insolvent phantom for tomorrow.''

This Congress has a chance to tear off a piece of that mortgage placed on our children and our grandchildren and all of our future generations by paying off America's debt. We can start this year. We can start by committing 90 percent of the surplus to paying off America's debt.

Democrats say it cannot be done, and they are wrong. Just a couple of years ago when we Republicans promised we would stop Bill Clinton's raid on Social Security, Democrats said that could not be done. But once again, they were wrong.

Paying off the debt should be our top priority. It frees up money currently spent on interest and allows us to pay for other top priorities such as prescription drug benefits, saving Social Security, and preserving the political and spiritual heritage of our grandchildren.

REPUBLICANS COMMITTED TO PAYING DOWN DEBT

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

Mr. CHABOT. Mr. Speaker, for far too long, government spending reigned supreme in Washington. Deficit spending ran rampant, the debt ballooned, and taxes skyrocketed. It was always spend first and worry about the debt later.

But today Republicans are changing course and saying that paying off the debt for our children's future should be at the front of the line, not at the end of the line.

Republicans are committed to paying off the national debt. We have already reduced the debt by about $350 billion and are committed to eliminating the national debt altogether.

The Clinton-Gore administration vetoed relief on the marriage and death taxes. Remember? Republicans are not about to sit back and let the Democrats now spend that money.

As we finalize next year's budget, we are dedicated to three core principles. Let us pay down the debt. Let us make sure Social Security and Medicare are on sound financial ground for this generation of seniors and future generations. Let us give the American people substantial tax relief. They deserve it. That is what is right for the country.

REBELS IN SIERRA LEONE PROFIT FROM ''BLOOD'' DIAMONDS

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

Mr. WOLF. Mr. Speaker, the Clinton administration has a miserable record on what is taking place in Sierra Leone. Moctar Jollah is a 27-year-old. He is from Sierra Leone. This past year, Moctar had his right hand and his ear cut off by rebel thugs in Sierra Leone. The gentleman from Ohio (Mr. HALL) and I met Moctar at an amputee camp this past December.

At the amputee camp, Moctar introduced us to thousands of people who were lucky to be alive. The people we met were the survivors, those who did not bleed to death as they struggled to flee the rebels who had cut off their arms, their legs, and their ears.

No one was spared the brutal, grotesque, and evil actions of the rebels. Infant babies had their arms and legs cut off. Young men in the prime of their life suddenly had half a leg. Women were raped by rebels and then had their limbs amputated, only to give birth several months later as a result of the rape they suffered.

Why did the rebels of Sierra Leone do it? They did it because of diamonds. Diamonds to profit and control and trade in Sierra Leone. The trade in conflict for blood diamonds must stop.

The gentleman from Ohio (Mr. HALL) has a bill, the CARAT Act, H.R. 5147. Pass the bill, stop the flow of blood from conflict diamonds.

URGING DEPARTMENT OF JUSTICE TO END NONSENSE AGAINST MICROSOFT

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

Mr. RYAN of Wisconsin. Mr. Speaker, hopefully Tuesday, September 26, marked the turning point in the misguided antitrust suit against Microsoft when the Supreme Court turned down a Hail-Mary plea by the government to hear Microsoft's appeal.

Two new studies, one from the Institute of Policy Innovation and one from the Association for Competitive Technology calculate the annual economic damages caused to our economy would range between $20 billion and $75 billion a year.

I would like to quote Milton Friedman, the Nobel Laureate Economist who said, ''Silicon Valley is suicidal in calling government in to mediate in the disputes among some of the big companies in the area and Microsoft. The end result will be that an industry that up to now has been able to proceed at a marvelous pace with little or no government regulation is now going to have government all over it. It is going

to spend in legal fees over the next 10 or 20 years, money which society would benefit from much more if it were spent in the kind of research and development that has brought us many miracles in the area of Internet, in the area of home computers, industry computers, and all the rest.''

The Berkshire Hathaway vice-chairman, Charles Munger, says ''The Justice Department could hardly have come up with a more harmful set of demands than those it now makes. If it wins, our country will end up hobbling its best-performing high-tech businesses.''

I urge an end to this madness.

WELFARE REFORM SUCCESS

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

Mr. STEARNS. Mr. Speaker, hearing the Democrats say they reformed welfare is similar to saying all of us in this House won gold in the Olympics. Did we participate in the success at Sydney? No. But did this Nation benefit from the years of practice and experience of these gold medals? Yes.

When we were talking about reforming welfare, the Democrats said welfare reform would fail, and President Clinton vetoed this legislation twice.

□ 1030

Well, failure could not be further from the truth today. Taxpayers are better off than they were 4 years ago due to fiscal responsibility and reforms passed by the Republican Congress. Six years ago welfare checks in the Northeast totaled about $47 million, and this year the costs are about $12 million, nearly $35 million in savings.

Republicans have helped restore incentive to work instead of dooming families to a life of continued dependencies. Our policy should be a hand up, not a hand out.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I think a lot of Americans listened to the debate last night. A lot of us have been working on Social Security for a long time, certainly our Speaker pro tempore, the gentleman from Florida (Mr. SHAW), myself, the gentleman from Texas (Mr. STENHOLM), the gentleman from Arizona (Mr. KOLBE), and many others have been looking at ways to keep this most important program continuing to be solvent. A lot of people depend on it.

I was very upset last night with some of the comments on Social Security. The Vice President has got a plan that I think does not solve the huge problem of keeping Social Security solvent.

Let me just go through this chart briefly. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $20 trillion. The Social Security Trust Fund contains nothing but IOUs. That is what the Vice President is suggesting, that we add another giant IOU and somehow come up with the money. How are we going to come up with the money?

The last point. To keep paying program Social Security benefits, the payroll tax will have to be increased to at least 50 percent of total income; 50 percent of total income for our FICA taxes or benefits will have to be cut by one-third.

We cannot continue to go on doing nothing. We have to make some program changes if we are going to keep this important program solvent.

APPOINTMENT OF CONFEREES ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District 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. SHAW). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MORAN of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4942 be instructed to recede from disagreement with the amendment of the Senate.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) will be recognized for 30 minutes and the gentleman from Oklahoma (Mr. ISTOOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion, as it was read, would instruct the conferees to accept the Senate version of the District of Columbia appropriations bill for fiscal year 2001. The reason is that the Senate bill is a superior bill.

The Senate bill is a bill that was supported by virtually all of the Republicans and Democrats in the Senate, will be supported by virtually all of the Democrats and I think a great many Republicans in the House. It is a bill that is supported by the Mayor of the District of Columbia and by the D.C. City Council, the properly elected officials to govern the district. And it is the only bill that the President will sign.

This bill provides $34 million more in Federal funds to enable the District to undertake important economic development, environmental restoration and educational opportunity activities. It fully funds the Federal commitment to build the New York Avenue metro station; and, in fact, it represents only a third of the cost, given the fact that if we provide this money; the private sector will provide another third; another third will come from local funds.

The Senate bill also enables the Poplar Point remediation project to begin. It provides tuition assistance for D.C. students to be able to take advantage of the ability to attend college outside of the District of Columbia. Without these funds, that program cannot be fully implemented. And it will enable the D.C. courts to see their first pay increase in more than 5 years.

The Senate bill also refrains from imposing new social policies on the District, policies that we would never try to impose on our own constituents in our own congressional districts, and policies that have been rejected by the citizens of the District of Columbia and that, in fact, are intended to negate actions, programs, and initiatives that are working within the District of Columbia and that we ought to support not only because they are working, but, most importantly, because they are the way that the citizens of the District of Columbia choose to spend their own money.

In addition to eliminating the more controversial social riders that were added anew to this bill, it goes a long way in honoring and giving more respect to the District and its reform-minded elected officers by reducing by more than 30 the number of general provisions in the bill that are no longer necessary.

That is why the Senate bill is a superior bill, why in the very last days of this session we ought to recede to the Senate and get this bill passed.

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

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume, and I rise to oppose the motion to instruct made by the gentleman from Virginia.

I recognize the gentleman is concerned about the differences between the House-passed and Senate-passed bills and he is willing to take what the Senate has done, but I would certainly disagree with some of the things he wants to accomplish because I think he would defeat his whole purpose if we were to adopt the Senate bill.

If we were to adopt the Senate bill, for example, we would create a hole of $61 million in the District's own budget. We would put it out of balance. Why? Because there is language that the Senate does not have that we are poised to put in the conference agreement for what they call the ''tobacco securitization.'' These are proceeds from the tobacco settlement that allows the District a revenue stream to issue securities to be able to use that money in their budget. They need the language provisions that we are working on in the conference report, or they are going to have a hole in their budget.

So if we just took the gentleman's recommendation, and he says he is concerned with the finances of the District, we are going to knock a big hole in their budget by doing so.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Is my recollection incorrect that that is not in the House bill either?

Mr. ISTOOK. Reclaiming my time, Mr. Speaker, that is why it is to be added in conference. The District has been working on the language, which they have submitted to us, knowing that it needs to be inserted in the conference report. It is a part of the District's budget. They are relying upon these funds.

But without having the conference so that we can insert that language, all other issues aside, the gentleman would blow a greater hole in the District's budget than the gentleman is trying to get them in additional Federal money. Because, as the gentleman points out, the additional Federal money that the Senate bill has that is not in the House bill is about $30 million or $35 million, only half of the hole that we would blow in the District's budget if we did not go to conference.

And, of course, as the gentleman is aware, the Federal funds in the House bill, it is kind of like having a checking account or a savings account and drawing against it. We had an allocation for what we could do regarding the District; the Senate had the larger account, and that is the reason they provided a higher level of funding. We have all along expected that more funds would be made available to the House so that we could, for example, provide more Federal funding for the New York Avenue metro station in particular. That has been the plan all along, and it is proceeding accordingly.

In addition, of course, to the financial problems that we would cause for the District were we to adopt the motion of the gentleman from Virginia, we would, of course, take out some other things. We would take out several million dollars of the drug testing and treatment program for persons on probation and parole who are required to stay drug free as a condition of remaining free on the streets.

The House has the larger amount of money to make sure that we not only have the drug testing to get people locked right back up if they violate that condition of their probation or their parole, but also to provide the drug counseling and treatment that is necessary to try to help people not only to be drug free now but to be that way for the rest of their lives, even after the term of their probation or parole expires.

If we adopted the gentleman's language, we would also be taking out $1 million in a public-private housing partnership that is being put together by the Washington Interfaith Network, where the Washington religious community is providing a lot of resources and effort to improve a particular housing project that we have some matching Federal money to work with the private effort that they are putting forth there.

If we adopt the language of the gentleman from Virginia, we also would be giving a blank check to the Public Benefit Corporation. Well, what is the Public Benefit Corporation? That is the entity that runs D.C. General Hospital that, in addition to the $45 million subsidy that they receive from the District of Columbia, has been running additional deficits of over $100 million total over these last 3 years. We have language in the House bill that brings the PBC under control, to try to get its finances straightened up. The Senate bill does not have that language. By adopting the Senate bill we would perpetuate the abuse and the misuse, the illegal, I believe, management of funds at the D.C. General Hospital, which right now the Mayor, the Council, and the new members on the PBC board are trying to get a handle on the situation and change the structure of the D.C. General Hospital.

If we do not have the incentive in this bill to say to them that they can no longer just take money that was not even budgeted and pour it into D.C. General Hospital, ignoring the law, as the General Accounting Office has made clear is what they have been doing, we will not get the D.C. General Hospital situation under control. We most certainly will not if we just adopt the motion of the gentleman from Virginia.

There are a number of things that are either in the House bill or that we have been working to make sure are put into the conference report between the House and the Senate that would be destroyed by the motion of the gentleman. I do not think we want to adopt that motion.

I could talk about other things. We could talk about the drug-free zones that would be wiped out; I could talk about the youth tobacco program, trying to keep kids away from tobacco, that the gentleman's motion would wipe out; but I think I have said enough to make the point.

I urge Members to oppose the motion of the gentleman from Virginia.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First off, the Mayor and the Public Benefits Corporation seem to be working out their problems. Although I know language would be beneficial, we have not seen this particular language to which the chairman refers.

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

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I am referring to the language that is in the House bill, although the gentleman correctly notes that we are working on possible revisions of that to put it in its best form.

Mr. MORAN of Virginia. Well, reclaiming my time, Mr. Speaker, those subsequent revisions we have not seen.

Now, the gentlewoman from the District of Columbia, who is the proper representative of the citizens of the District of Columbia, feels that the highest priority is to get this bill funded, notwithstanding issues with regard to the securitization of tobacco revenue and things like that. She is looking to the priorities of the Mayor, the city council and its citizens, and feels that this motion is in the best interest of those citizens, which I find to be a compelling argument to accept the Senate version.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate his comments.

First, let me indicate that what I am going to say now has the sign-off of the Mayor and the Chair of the city council, who want us to support the motion to instruct so that D.C. can get its money and we can recede to the Senate bill.

D.C. General Hospital has been taken care of in the Senate bill. There is some money that can be moved, if necessary, to assist the transition, with very severe limits on it; and D.C., of course, can no longer fund the hospital above and beyond the appropriated amount. That has been fully taken care of in the House.

The Senate budget as to securitization of the tobacco settlement, D.C. would have desired that.

□ 1045

But the necessity to get this bill done is overriding, and the mayor and the City Council are asking our colleagues on both sides to support the motion to instruct.

The Senate bill is tough on the District, tougher than necessary, but it is a fair bill. It forces me to swallow hard. There are major attachments on that bill reflecting the views of this House as well as the Senate. There is a major violation of home rule right in our face.

Congressional review of the Chief Financial Officer before that nomination becomes effective even after hearings and confirmation by the Council, a totally unnecessary, horrible violation of home rule. And if the mayor and the City Council are willing to let that go without a fight and a veto, I think it says a lot about the urgency of passing this bill because I am going to have something to say about what the specific injury is to the District in holding this bill longer.

The Senate bill requires the District to pay back in 1 year amounts taken from its emergency reserves for emergencies, and that becomes very difficult for us because it is a city recovering from insolvency. If we take an amount from the reserves, the District asks that we have 3 years to pay it back. We are not able to get that in the Senate bill. That is the kind of tough language the District would have to absorb through the Senate bill.

But the Senate bill would, at least, make this small appropriation go away. And then what would we have? Would it be one down and eight to go? I have lost count. But they have got a lot to do before they get out of here. If they want to spend their time in October and November fighting over the D.C. bill, be my guest. Because we are not going to give up without a fight.

If in fact we do not adopt the Senate version, what we are headed for is a veto and a protracted fight over the smallest appropriation consisting almost entirely of locally raised revenue. This would be an absurd fight this late in the year because it would be a fight over D.C.'s balanced budget with a surplus.

The Senate version, of course, has riders we deplore but it bears us a fight over controversial language that are the pet concerns of this Member and that Member who in the House cannot wait for the D.C. appropriation because it allows them to undemocratically micromanage their views into the appropriation of a local jurisdiction, going against all of the philosophy of devolution that is spouted by the other side daily on this floor.

Is it worth the fight to get their little curlicue in their budget and then have it vetoed by the President? I do not think so.

Usually funds have not held up the D.C. appropriations since most of the money comes from D.C. and D.C. submits balanced budgets. Not this time. This appropriation is being held up largely because of a $35 million dispute in a $2 trillion budget. That is what this House is all about.

Now, understand that this dispute involves priorities that were funded in the President's budget and that the District cannot do without. So that means a fight, too. They have a fight on their hands. Do they want a fight? Do they want to stick around and fight? They are going to get their fight. Because we have got to get that Metro station.

D.C. has come up with a third of the money. As far as the Metro station, one of our business people has written an extraordinary piece in the Washington Post saying he simply cannot believe that, with the millions of dollars he is pouring into the District, that the Congress would not let this Metro station go. It is key to the revitalization of the entire northeast quadrant of the city, to the city's economy itself, which is just rebounding from insolvency.

We cannot put any more of our money into it. The control board has certified that it does not have more of its money to put into it. That is going to hold this bill up. We are not going to give up without that Metro stop. If my colleagues want to hang around and fight over it, they got themselves a fight.

Members have always supported such infrastructure support. They did so when we were building the Convention Center because they knew that we were going to make millions of dollars for ourselves every year. And so the Congress funded an expansion of the Metro stop near the Convention Center when the President put the money in his budget, as he has now.

This body, in one of the great moments frankly for bipartisan support for the Nation's capital, passed the College Access Act. There was strong bipartisan support in the Senate and the House because the House understood that we are the only jurisdiction in the United States that does not have a State college system, a State university system. So that now our youngsters can go to State colleges for low in-state college tuition fees.

Why underfund in the second year, the upcoming year, when we have received such an outpouring of young people taking advantage, more than 3,000 youngsters going all over the United States? It is mean spirited to underfund that, especially since the money for it is there in the President's budget.

It is time to acknowledge the giant steps that the District has taken with its new reform mayor, Tony Williams, and its completely revitalized City Council that does tough oversight all the time. They did their homework. We found no fault with their budget.

The delay into the fiscal year has already hurt the City's priorities. As I speak, 175 police cannot be hired. As I speak, we cannot put money into an after-school program to take our kids off the street during the high crime hours between 3 and 6. And the only reason is because this body has decided to hold our budget up, our balanced budget, and we cannot move ahead on anything new until they let our budget go.

Is it worth it to put their own signature on somebody else's budget when they have done their homework? Let the District budget go.

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

Mr. Speaker, let me, as part of my response to some things that have been claimed, take issue with this idea that supposedly the bill consists almost entirely of local funds.

In this bill, of the total of about $5.5 billion in operating expenses in the bill, about $3 billion of it is raised locally, about $2 billion of it is different Federal grant programs that comes from the Federal Government; and then over $400 million of it is direct appropriation of Federal funds to the District of Columbia.

I do not consider $2.5 billion of Federal money or $400 million of appropriated money—and of course it exceeds that $400 million—I do not consider that to be small potatoes. I consider that to be a lot of taxpayers' money.

We do not have that kind of direct appropriation to my hometown. It does not go to Oklahoma City. It does not go to Sacramento. It does not go to Minneapolis or St. Paul or even Chicago. It goes to Washington, D.C., as the Nation's Capital because we have a unique constitutional perspective and mandate regarding the Nation's Capital. Otherwise, we would not have this bill, we would not have a District appropriation.

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

Mr. ISTOOK. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, just for the record, I want the gentleman to know that, of the $2 billion that the gentleman has referenced, only $400 million of that is for direct Federal funding, but most of it is for the kind of grants they do not appropriate for anybody else in the first place.

Mr. ISTOOK. Mr. Speaker, reclaiming my time, that is not accurate. The $2 billion in grants and such is in addition to the $414 million that the House appropriated. So the total of those is approximately $2.5 billion. And then we have the local funds of about $3 billion.

This is significant taxpayers' money. Whether the figure is $2.5 billion, $2 billion, or $400 million, I do not think any of us should say to the taxpayer with a straight face that that is not much money and this Congress should not be concerned about it and just let it go. We should be concerned.

Now, the Senate bill has more than the $414 million. They have $448 million. And that is what we have been working to reconcile.

Now, I think a false illusion, and it has been fascinating in this process, Mr. Speaker, to see efforts to create a false illusion as though the House were not trying to work, for example, on this New York Avenue Metro station project. The problem is, we do not get money from the President's budget.

I realize that Members of his own party can stand up here and say, ''Oh, my goodness, they are not doing what the President's budget says.'' Well, if all we need is the President's budget, we do not need a House of Representatives and we do not need a Senate; just let the President call all the shots and act accordingly.

The President does not give us money. The money comes from the taxpayers. And we have budgets within the House and within the Senate. We do not say we can spend as much money as the President says we can spend. We are only allowed to spend as much money as the House says can be spent if it should be spent.

And this nonsense about saying, ''Oh, they have not done what the President's budget says;'' we do not always agree with the President. That may be a surprise to some people. Maybe they always do. But I do not always agree, and I try in good faith to work with everyone and work these differences out.

As we have said throughout the process, it is really sad to see this effort to try to say to the business community and others in Washington that Congress is not helping with the New York Avenue Metro station. That is balderdash.

Number one, we funded to the full extent that we were able to do within the amount of money that had been allocated in our budget. And secondly, we have said from the beginning that we expected when we got to the conference with the Senate that the Senate would have a higher number that would enable us to add the extra money for the New York Avenue Metro station, which is exactly what is happening.

I really think it is sad to see this effort to demagogue and say, ''Oh, they are not trying to help on this significant project,'' because we have from day one and that has been the plan all along that the extra money would be received in an allocation when we got to conference so that we would be able to do that.

Also a false argument has been made saying, ''Oh, they are not taking care of the college tuition program.'' My goodness, we established that program in this bill last year with bipartisan support, as the gentlewoman mentions, and we have funded every penny that the program required plus a cushion of about 15 percent.

I recognize some people want to expand the program and, therefore, they want more money or they want the amount that was originally projected to be needed until they found out how many students were actually participating and we knew then what the actual number was rather than going with an estimate that was done a year or more in advance. We funded the need and then some. But some people say, ''Oh, they have got to give us more than that because we created a number in advance that we projected would be necessary and we are wearing blinders as to what the actual needs of the program are.''

Nevertheless, because the funds that go into that college tuition program remain available for future years and cannot be used for any other purpose we are going to increase the funding for that program. I think what we will end up doing is provide funding in advance for some of the college tuition that will not be spent until more than a year from now.

That has been the situation all along. Yet some people try to create an illusion that there has been a different approach toward the college tuition or towards the New York Avenue Metro station.

□ 1100

The bill that we have before us should be resolved very soon. We have been working with the gentleman from Virginia (Mr. MORAN), we have been working with the gentlewoman from the District of Columbia (Ms. NORTON), we have been working with the administration, and we certainly have been working with the Senate. We expect that we are going to have this conference completed very quickly and the bill right back out to this Floor so that we can take care of the situation, the timing concern that the gentlewoman from the District mentions. We are sensitive to that. We are trying to move as quickly as we can. But the Senate did not pass its bill until last week, until last Thursday night. The House acted long before that. We have been waiting on the Senate. Now that the Senate has acted, we are able to go to conference, and finish up these details and get it right back here to the House floor. We expect to have this done quickly.

Mr. Speaker, I oppose the motion to instruct conferees. As I said in my earlier statement, it is going to blow holes in the District's budget. It is going to create a lot more problems than it might ever solve. I oppose the motion to instruct and ask Members to oppose the motion.

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

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

Let me just elaborate on a few of the comments that the gentlewoman who represents the District of Columbia made. First of all, we have an opportunity to get the District of Columbia appropriations bill passed. We have only got two out of 13 appropriation bills done now. Finally we would get a third, with 10 to go.

The second point she made is we are only asking for $34 million more. Now, we just passed an energy and water appropriations bill that was $880 million over the budget request. I would not want to suggest that a lot of that is pork, but I would suggest to the people who are watching this that they may want to look at some of the composition of that bill. We passed a defense appropriations bill. It was $1.4 billion less for military readiness that the President requested, yet there is $9 billion more for weapons programs, primarily manufactured in majority Members' districts.

We are going to go through a number of appropriation bills in the last few days of this term, and all of them are going to see major increases, increases that make this D.C. bill dwarf by comparison. I mean, when we are talking about the District of Columbia bill compared to other bills, these numbers would get lost in the rounding. We are asking for $34 million is all, and that just brings it up to the budget request.

Let me make a third point that the gentlewoman did not discuss and, that is, with regard to the prerogatives that we assume for our own congressional district. We have been adding programs that benefit our district. That is part of our job. Whether they fit within the original budget resolution or not, we are going to do the best we can for our district. But in addition to that, we jealously guard our district from letting any other Members mess around with it because we know our district best. We know what our priorities are.

Imagine, I would ask my colleagues, consider how you would feel if the rest of your colleagues were telling you what you ought to be doing for your congressional district, what you ought to be doing to your congressional district. We would never tolerate this kind of scrutinizing, this kind of bashing in some ways, all this kind of micromanaging. The gentlewoman from the District of Columbia is saying, weighing all the priorities, understanding my district better than any of you do, and we know that that is the truth, what she wants is for us to recede to the Senate, get this bill passed, we are already past the beginning of the fiscal year, let the District of Columbia get its appropriation bill and let it go about its business. That is all she is asking.

I am asking my colleagues, do nothing more but nothing less than we would do for our own congressional districts. Put yourselves in the gentlewoman from the District of Columbia's shoes. If you were representing the District of Columbia, what would you expect your colleagues to do? What we would expect our colleagues to do is to recede to the Senate, to get the bill

passed but most importantly to listen to us, to take our advice on our congressional district.

Madam Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON) to respond to the gentleman from Oklahoma's comments, and then we will summarize our motion.

Ms. NORTON. Madam Speaker, there are two points on which I simply must take exception to the remarks of the Chair of the subcommittee when he talks about the $6 billion budget and says almost $4 billion of it is from the District and about $2 billion of it is from the Federal Government. Most of that $2 billion would never have come here until recently. In all of the years that the District budget came, Federal grants, most of them competitive Federal grants, were never even included in the District budget that came here. In recent years it has been and most of that money are grants. For example, it includes the transportation money that I get for the District out of another appropriation altogether, very large set of money, had nothing to do with this appropriation or with this chairman. It is done pursuant to a formula. And that is included in the $2 billion. That is most of the money he is talking about when he says $2 billion.

Let me say what I mean when I say the President put the money in the budget. This gentleman would not have had $35 million to manipulate to other priorities. If there was not $35 million in the budget, if there were only the money funding the functions that the Federal Government took over, we would not even be having this discussion. But the Mayor, the city council Chair, the control board Chair and I went to the White House and said, ''We are funding two-thirds of the Metro stop, can the Federal Government put in one-third?'' What this chairman has done is to take a good part of that money and reallocate it to where he thinks the money should go, or else he would not have had any money to play around with at all. We do not agree with him. It is our city.

He is for some of the money, for example, into the arboretum which is in the appropriation of the agriculture committee. We are asking that the money that was added to the D.C. appropriation, funded in the President's budget, be used for the purpose he funded it for and not be used for the purposes the gentleman wants it funded for. He would not have had it to deal with at all if we had not gone to the White House. I ask him to respect the reason the money was put in there, and it was the Metro stop and the other functions that we have mentioned.

Finally, I say to my colleagues, it is not fair to you to ask you to vote against the motion to instruct because you will engage in a futile exercise. If you vote against the motion to instruct, you are voting for overtime on the smallest appropriation. You are guaranteed a fight on that appropriation, I promise you that.

Mr. ISTOOK. Madam Speaker, I yield 6 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Madam Speaker, I rise in opposition to this motion to instruct, because I think it goes back on some very important priorities that are in this bill the way it currently is and that the Senate has avoided. There are things that were excluded in this bill that I think are important to the States that surround the District of Columbia, and yet we are willing to make an island under the Senate version, an island here in the District of Columbia on some important legislation such as an amendment presented by the gentleman from California (Mr. BILBRAY).

He wanted to restrict, and do it with some authority, underage smoking. If you travel across the Potomac to Virginia, you will find that they have laws to restrict underage smoking. If you go to the east on Highway 50, you drive into Maryland and you will find that they have restrictions on underage smoking. But yet we are going to create an island here under the motion to instruct for the children in the District of Columbia and allow them this underage smoking, allowing kids to drive across the bridges or come into the District of Columbia and have less fear of buying cigarettes and getting into a life-style that will shorten their lives.

In addition to that, the Senate has made the choice that they are willing to risk placing elementary school children in the proximity of drug users, people who take illegal drugs and inject them into their veins. The House version had a restriction on the needle exchange program, saying simply that we are going to place a higher priority on children than we are on drug users.

We were going to take the very same language in the bill, we have the very same language as what the District of Columbia City Council has determined as a drug-free school zone, and we applied that to the program that gives needles to drug abusers. They will then take these needles and they inject illegal drugs into their veins. Now, there have been quite a few studies about the program, and what we have found is that in the area where needles are distributed, there are drug pushers, there are obviously drug users, and there are areas where the police have had to stay away by their own accord in order to let the program go so that we can give these needles to people who illegally use drugs.

All we were trying to do in this bill was to restrict the area where these needles were distributed. The amendment that was cut out by the Senate did not exclude the program at all. It exists on private funds today. But there are 10 distribution points in the District of Columbia. Six of them are within the area known as a drug-free school zone. Some of them are as close as across the street from where children in the District of Columbia attend school. So the Senate has made a choice, and it is now supported in this motion to instruct to place a higher priority on drug users than on the children, a very disturbing thought. We should place the children in the District of Columbia in a higher priority than we do drug users.

The Senate has gone on to take other very vital services and completely strike them out. They struck a hotline service that exists here in the District of Columbia. There are people in our society that are in dire need, they are in dire straits or in a difficult time and in the District of Columbia today you can call an 800 number and the people on that hotline will not let you off the phone until they connect you with the service that will meet your need, until that is connected, until that connection is made. But yet that was struck in this motion to instruct, that whole area is taken out. The Senate took it out, turning our backs on people that are truly in need.

They also struck the money for a mentoring service. There are kids in the District of Columbia that do not have much of a future. They are in a single-parent household, some of them are living with grandparents, aunts and uncles, and this mentor organization provides an individual to stay with them and meet their needs, if it is going to school to help them with their studies and talk with their teachers, if that is going to court with them, if it is helping them just get the medication they need. The mentoring program accompanies these children to help them get a start in life, to give them a little bit of hope in a community that is in desperate need of hope. Yet the Senate and this motion to instruct will completely strike that program, leaving these children without the help that they need.

They also went on to cut other grassroots community organizations, and $500,000 for a cleanup. We heard a lot of talk about how the Metro stop is more important than these programs and that we have taken money, reprioritized it through the Senate, through this motion to instruct, for a Metro stop, but we have overlooked important things in this community. We have overlooked these children, we have overlooked the hotline service, we have overlooked a program that just is trying to restrict where we distribute needles to drug abusers. We have problems in the hospital, overlooked by this motion to instruct, a hospital that has twice as many employees than they need, completely overlooked, and half a million dollars for an environmental cleanup, overlooked because we

want to change it to a Metro stop. I think the Metro stop is needed. I think we need some upgrades there. But to place that at a higher priority than the children of this community I think is wrongheaded, wrongminded. I think it is the wrong direction.

I would suggest that we vote against this motion to instruct and that we keep the House version of what was passed here. It makes more sense, it is more compassionate, and it is the right thing to do.

□ 1115

Mr. MORAN of Virginia. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me the time and thank the gentleman also for his great leadership on behalf of the District of Columbia making decisions for itself.

I also want to commend the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for her tireless leadership on behalf of the people of the District and on behalf of the people of our country, because the principle of local control over some of these decisions is one that serves us all well in this country.

Madam Speaker, I rise in strong support of the motion to instruct offered by my colleagues, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. MORAN).

The House bill that this body voted on earlier unfortunately included several riders that would interfere with the District of Columbia's ability to serve its citizens. Among these riders is the Tiahrt amendment, a bill that would kill the District's needle exchange programs, which have been proven effective in reducing the number of new HIV infections in the District and in this country, especially among children.

Think about the children. Approximately half of all new HIV infections are linked to injection drug use, and three quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDS deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African American males age 25 to 44 in the District. In spite of these statistics, this amendment that is contained in the House bill attempts to shut down programs that the local community has established to reduce new HIV infections.

This Congress should be supporting the decisions that the local communities make about their health care and the health care of their people, not limiting local control. Numerous health organizations, including the American Medical Association, the American Public Health Association, have concluded that needle exchange programs are effective.

Madam Speaker, in addition, at my request, the Surgeon General's office has prepared a review of all peer reviewed scientific studies of needle exchange programs over the past 2 years, and they also conclusively found that needle exchange programs reduce HIV transmission and do not increase drug use.

Madam Speaker, the President will veto this bill in the present form. If we support the motion to instruct, we will be able to send this bill to the President and have it signed into law. Here we are past the date of the end of the fiscal year, and we still have 11 appropriation bills out there.

I just want to take another moment to go back, to the needle exchange program. Since the inception of the needle exchange program in the District of Columbia in the latter half of 1996 through 1999, the number of new IDU cases has fallen more than 65 percent from some 396 in 1996 to 139 in 1997, which represents the most significant decline in new AIDS cases across all transmission categories over this 4-year period.

Madam Speaker, I urge my colleagues to support the motion to instruct.

Mr. ISTOOK. Madam Speaker, if I may inquire of the gentleman from Virginia (Mr. MORAN), would it be agreeable if I take 2 minutes to close, then the gentleman take 2 minutes to close?

Mr. MORAN of Virginia. Madam Speaker, I think I may get wound up a little more. Madam Speaker, let us yield ourselves at least 3 minutes for this.

Mr. ISTOOK. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I think it is important to remember that were we to adopt the motion of the gentleman from Virginia (Mr. MORAN) and just accept everything that the Senate has done on this bill, first, we would blow a $61 million hole in the District's budget because we would not have the language that was intended to be put in and will be put in the conference agreement to enable the District to issue securities against the revenue they expect from the tobacco settlement and that the District is counting on in this budget this year. So we would cut out that $61 million and blow a hole in their budget.

I do not know where they would try to make it up. If we were to adopt the gentleman's motion, we would also remove the public-private effort, not only to work with public housing but to work with the residents of public housing to improve their employment, which is part of the project of the Washington Interfaith Network that the House version funds but the Senate version does not.

Also, were we to adopt the Senate version, we would cut out the funding that the House has to help teenagers, young women, in the District to promote abstinence, to try to stop the major problem with teenage pregnancy and sex and the difficulty it leads to for so many people. We would cut out that funding if we were to adopt the gentleman's motion.

Also under the gentleman's motion, we would remove millions of dollars from the drug testing and drug treatment program that is a major effort to reduce crime in the District of Columbia. We would cut that out if we were to adopt the gentleman's motion.

Madam Speaker, the things that were mentioned by the gentlewoman from the District of Columbia (Ms. NORTON) as I tried to make clear throughout, we always expected, and it is the intention in the conference, that more funds are now being made available to the House, which is the amount that we were counting on to provide the full requested funding on the New York Avenue Metro station. That has been the plan all along, that is what is happening; but we did not have the money available to us in the House in our subcommittee previously.

It was not that we had the money and spent it elsewhere, we did not have the money. And we were going to say we are going to wipe out everything else, because we knew what was going to happen, and it has happened with or without adopting the motion of the gentleman from Virginia (Mr. MORAN), the bill, when it finally goes to the President's desk, will have the full funding for the New York Avenue Metro station and the full funding for the college tuition program, because any excess in that program would just be carried through to the next year anyway.

We have tried to make that clear. That is not an issue. That is not an issue whatsoever. In the conference report, those are the things that we intend to do, but let us not undo the work of the House of Representatives. We had amendments that this House adopted by voice vote, because the support was so firm. We had an amendment by the gentleman from California (Mr. BILBRAY) for example that was adopted in this House by 265 votes, very strong, very bipartisan votes that the gentleman's motion would wipe out.

I urge defeat of the motion to instruct conferees, so we can very, very quickly go to conference, get these issues resolved and bring the confercne agreement right back to this floor.

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

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

I would say to the gentleman from Oklahoma (Chairman ISTOOK), that while some of the points are valid with regard to the House bill and the Senate bill, the conclusion is not one we could agree with.

Let me respond to some of the points that have been made by the gentleman from Oklahoma (Chairman ISTOOK) and by my colleague, the gentleman from Kansas (Mr. TIAHRT).

My colleague, the gentleman from Kansas (Mr. TIAHRT), suggested that in some way the Senate bill shortchanges youth programs, and yet the Senate bill adds $500,000 for a new community center for homeless runaway at-risk youth. The Senate bill adds another $250,000 to enhance reading skills of District public school students.

There is a whole list of programs that the Senate bill has that I know that the gentleman from Kansas (Mr. TIAHRT) and the gentleman from Oklahoma (Mr. ISTOOK) would not object to, but these are good programs that are not in the House bill.

The main thing that I have to take issue with is that the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) have suggested that the House bill takes a more responsible approach to some of these difficult issues that we have been wrestling with, and I do not think that is the case.

I would remind both the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) and anyone who does not think that the Senate bill is a responsible bill that it passed the Senate unanimously, unanimously.

Madam Speaker, with regard to this needle exchange program, the Senate bill that we are asking my colleagues to accept and that the gentlewoman from the District of Columbia (Ms. NORTON) is willing to accept says we cannot use any Federal funds for needle exchange programs. We cannot use any local funds for needle exchange programs. We cannot use any public funds for needle exchange program. It is pretty tough language. But it is in the bill. And to suggest, as my friend, the gentleman from Kansas (Mr. TIAHRT), suggested that somehow the Senate is taking too liberal an approach here, I do not think that the Senate is some cabal of left-wing ideologues. I should not characterize the Senate.

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

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Madam Speaker, the gentleman mentioned the effort of the Senate. I was watching, and perhaps the gentleman was, when the Senate brought the bill up. Is the gentleman aware the consideration the Senate gave to this bill on the floor when they brought it up and passed it in about 30 seconds? That was the extent of the consideration, literally 30 seconds.

Mr. MORAN of Virginia. Reclaiming my time, Madam Speaker, I am very grateful for the gentleman for making note of that, because I think that is exactly what we should be doing here.

These are bills that were requested by the White House because they came from the District of Columbia City Council, the Mayor, the financial control board agreed to them. So this is a budget that already has been scrutinized. I do not know why we need to take more than 30 seconds. This is the District's bill. It makes sense. It is a responsible bill.

We want to get our appropriations bills done. It is after October 1. We have a terrific chairman, the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, he wants to get our work done. He is upset. And it is past October 1. The fiscal year has begun.

We have an opportunity to get a bill passed that the Senate agrees to, that the White House will sign. We are only talking about $34 million that was within the budget request. We are probably going to go $25 billion over our budget resolution. Here we are talking $34 million. We can get this bill out of the way. Let us get our job done. The chairman has worked so hard, we ought to let him get his job done.

Let us not mess around with these tangential issues, these ideological issues. Let us let the citizens of the District of Columbia decide what is in their best interests, let us recede to the Senate, let us get this appropriations bills signed, get our work done.

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

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 gentleman from Virginia (Mr. MORAN).

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

Mr. ISTOOK. 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 SPEAKER pro tempore. The Chair will reduce to 5 minutes the electronic vote on the motion to suspend the rules and pass the bill, H.R. 5212, as amended, immediately following this vote.

The vote was taken by electronic device, and there were—yeas 190, nays 219, not voting 24, as follows:

[Roll No. 510]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss

Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Baca
Brown (FL)
English
Eshoo
Fossella
Franks (NJ)
Gephardt
Hastings (FL)
Hefley
Hilleary
Houghton
Hoyer
King (NY)
Klink
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Skelton
Sweeney
Vento
Wise

□ 1151

Mrs. BONO and Messrs. RADANOVICH, HORN, BACHUS, HOLDEN, SMITH of Texas, EWING and LUCAS of Kentucky changed their vote from ''yea'' to ''nay''.

Ms. MILLENDER-McDONALD and Messrs. OWENS, ORTIZ, and GREENWOOD changed their vote from ''nay'' to ''yea''.

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the Chair appoints the following conferees: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

VETERANS' ORAL HISTORY PROJECT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5212, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5212, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 511]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Baca
Barrett (WI)
Brown (FL)
Clayton
English
Eshoo
Fossella
Franks (NJ)
Gephardt
Hastings (FL)
Hefley
Hilleary
Houghton
Hoyer
King (NY)
Klink
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Skelton
Sweeney
Vento
Wise

□ 1201

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 510, a bill instructing conferees on H.R. 4942, the District of Columbia Appropriations Act for Fiscal Year 2001. Had I been present I would have voted "nay." Mr. Speaker, I was unavoidably detained for rollcall No. 511, H.R. 5212, the Veterans' Oral

History Project Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 510 and 511. I was unavoidably detained and therefore could not vote for this legislation. Had I been present, I would have voted "aye" on both rollcall votes.

STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT OF 2000

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 4828, the Steens Mountain Wilderness Act. The rule waives all points of order against consideration of the bill. The rule provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Resources.

The rule makes in order as an original bill for the purpose of amendment the Walden amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, which shall be open for amendment at any point.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Madam Speaker, H. Res. 609 is a fair and open rule for a noncontroversial bill. Last year, the Secretary of the Interior told folks in southeastern Oregon that the President might designate Steens Mountain as a national monument. Steens Mountain is deserving of protection, but the local residents who live and work in the area became worried their livelihoods were in danger; that the President would impose all sorts of restrictions on land use and put them out of business.

In response to these concerns, the gentleman from Oregon (Mr. WALDEN) decided to work out a compromise solution. He brought everyone to the table, including the governor of Oregon and the Secretary of the Interior, and they worked out a compromise which protects the environment and protects ranching and recreational activities.

The entire Oregon delegation, both Democrats and Republicans, support this bill. Indeed, this is how legislation should be done, and the gentleman from Oregon (Mr. WALDEN) deserves credit for working hard to write a bill that everyone can support before it even reaches the House floor. So I urge my colleagues to support this rule and to support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary time.

This is an open rule. It is a bill to protect the natural resources near Steens Mountain in Oregon. As my colleague from North Carolina has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The area near Steens Mountain is home to unique land formations, beautiful lakes, and rare and diverse plants and wildlife. The bill designates wilderness areas, wild and scenic rivers, and other management arrangements to preserve the area's natural resources.

Madam Speaker, this is an open rule, it is the normal process, the bill has bipartisan support, and I support the rule and the bill.

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

Mrs. MYRICK. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GANSKE). Pursuant to House Resolution 609 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4828.

□ 1211

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, with Mrs. BIGGERT in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

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

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

Madam Chairman, I rise in support of H.R. 4828, the Steens Mountain Cooperative Management and Protection Act of 2000.

Madam Chairman, today we have the opportunity to protect Steens Mountain in Oregon, one of the most beautiful areas in the West. What brings us here today is nothing more than the relentless efforts of the gentleman from Oregon (Mr. WALDEN) over the past few months to draft this consensus legislation. The citizens of Oregon are lucky to be represented by a man who has found a way to preserve the beautiful area while at the same time respecting the people's needs and uses in the Steens Mountain area.

H.R. 4828 is the culmination of years of effort to protect this unique area. H.R. 4828 is a complicated measure that uses management prescriptions that fit the land. Steens Mountain is a 30-mile long block which rises approximately 9,700 feet above the Alvord Basin, and is home to a variety of wildlife, including sage grouse, bighorn sheep, golden eagles, deer, antelope, and many varieties of fish. Currently, the Steens Mountain recreational land consists of 147,773 acres managed by the BLM; 41,577 acres of private land; and 4,506 acres of State land.

H.R. 4828 withdraws 1.2 million acres from mining and geothermal development and designates 134,000 acres as wilderness. It would also create a nongrazing zone of approximately 100,000 acres, as well as 500,000 acres of cooperative management and protection area.

In addition, H.R. 4828 would establish the Wildlands Juniper Management Area, expand the Donner and Blitzen Wild and Scenic River, designate the Donner and Blitzen Redband Trout Reserve, authorize the Secretary of the Interior to carry out a number of land exchanges to facilitate the purpose of this legislation, and allow the conservation of these lands to remain under local management.

During full committee consideration, the issue of Federal Reserve water rights within the wilderness area was heavily debated. During the next decade, Congress will consider many BLM wilderness bills. In my State of Utah, this debate is the foremost of resource issues.

□ 1215

As Congress heads down this road of finally resolving the BLM wilderness debate in the West, we must be cautious in how we approach such areas as grazing, water, existing uses, and existing rights.

The amendment considered as original text will resolve the water issue in a matter that does not prejudice the debate in the future. The language simply repeats the 1964 Wilderness Act. This is a reasonable approach that ensures the area is protected.

Once again, I want to commend the gentleman from Oregon (Mr. WALDEN) in this effort, and I urge my colleagues to support the passage of this very worthwhile legislation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent that I may yield all of the time on this side to the gentleman from Oregon (Mr. DEFAZIO) for the purposes of controlling the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

Madam Chairman, I really never thought we would get here today to the floor of the House of Representatives adopting consensus legislation on behalf of the entire Oregon delegation to protect the extraordinary beauty, ecological value of the Steens Mountains. It is a place I visited, a place I love. It is not in my district. It is actually quite far away from my district, a number of hours' drive. But it is an unbelievably beautiful, almost mystical place rising up out of arid eastern Oregon overlooking the Alvord Desert on one side and looking back to the west over sagebrush and scattered farmlands to the west.

The values in that area in terms of the environment are just amazing, not just the spectacular views but the wildlife habitat, the river canyons. This bill will provide extraordinary protections for some of the most delicate areas and the most beautiful areas in the Steens by affording, to the best of my knowledge, the first legislated cattle-free wilderness in, at least, Oregon and, I believe, throughout the western United States.

That is crucial for the delicate nature of some of the uplands and the gorges and the headwaters for their preservation.

This was not an agreement easily reached. Quite frankly, I think it was about a year ago when the gentleman from eastern Oregon (Mr. WALDEN) came to my office and said he wanted to talk about the Steens and about legislation for the Steens. I was open to meeting with him about this but did not expect much, to tell the truth.

He came in with his trusty staff person, put down a map of the Steens with which I was familiar, and then started pulling out all these velcroed sections and stickies and saying, well, I want to do this. And after he got to about the fifth ''I want to do this,'' I said, this is a pretty good offer. And he said, well, that is not all and he kept pulling out the velcroed stickies and putting them on the map.

It was a good first offer. We have improved the bill significantly since that time. We have worked with the conservation groups who are most familiar with the Steens area, environmental groups. The gentleman has done yeoman's work in bringing along the local community and the ranchers, who are significantly impacted by this legislation.

I think it is just an extraordinary day and, in my tenure in Congress, a very unusual day when the entire Oregon delegation is unanimously in support of legislation that relates to the environment in our wonderful and beautiful State. This is not something that is frequently seen no matter how meritorious the legislation.

So I stand here in strong support of the legislation. We will hear from other members of the Oregon delegation later, and the gentleman from California (Mr. GEORGE MILLER) I will recognize later. But at this point I want to congratulate the gentleman from Oregon (Mr. WALDEN), who represents the district, for the work he has done.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. WALDEN) control the remaining time on the majority side.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we have accomplished something unique with the drafting of this legislation. We have brought together people from very different walks of life. We have given them equal seats at the table of public policy, and we have crafted an Oregon-based solution that works for the ranchers and works for the environment.

I want to start by telling my colleagues about the people who live in Harney County and who ranch on Steens Mountain. These are people whose ancestors were encouraged by the Federal Government to take the risk of expanding our Nation's frontier, to risk life and property to settle the Wild West. They were the homesteaders of the 1800s, people of undaunted courage who followed the trail to the West blazed by Lewis and Clark some 200 years ago.

They moved to an area of Southeast Oregon later called Harney County, where cows outnumbered people and still do today. It is a county that is larger than most New England States, 143 miles long and 86.6 miles wide. There are no freeways here, no congestion, no gridlock except when they are moving cows to graze in another area.

These are people whose closest neighbor is often miles and miles away. They are self-reliant people with soft hearts but rugged spirits.

This is not the world of high-tech millionaires, BMWs, and the fast life. But it is a place where people look out for each other, take care of each other. It is a place where written contracts are not broken because usually written contracts are not needed, a man's word is all it takes, a handshake will do. They do not get much from Government other than a tax bill, and they sure do not ask for a lot in return.

And for a century or more, they have tended the land and worked in cooperative partnership with the Federal Government to ensure that the environment is protected and their ranching way of life is allowed to continue.

Steens Mountain is a checkerboard of private and public lands interrelated. In cities, fences are designed to divide neighbor from neighbor, but here there are few fences and quite often the neighbor is the Federal Government. It is a true partnership in a wide open space that has served the mountain and served the people well.

Steens Mountain itself is as unique as the people who live on it and near it. Unlike most mountain ranges across America, Steens Mountain stands alone in the desert. Made of heavy lava, Steens Mountain is a huge, upthrust block twenty-three miles from its base on the west to its top. But when we get to that top, we are at nearly 10,000 feet; and it is a straight drop of nearly a mile to the playa below.

Breathtaking? You bet it is.

The explorers who settled here were not stupid. They picked the best lands on the mountain for their ranches. Harney County is arid, receiving just a few inches of rainfall a year. So the ranchers went for the water and the lush valleys, as any of us would have done. But today, in this legislation, they are offering to give back some of the best they have, to put it in wilderness for public benefit for a lifetime. This is a good deal for the taxpayers, and it works for the ranchers.

Over the years, the ranchers and the Federal Government have worked together to improve the range lands, to improve the aspen groves, the watersheds and the fish habitat. It is a partnership that has served the environment well.

Well, about a year ago, Steens Mountain was discovered by the administration and a new land rush was on. One, to save the Steens, to name it a national monument to encircle the ranchers and their home places with a new set of Federal laws and restrictions like a noose that could only get tighter and tighter until it would have choked out their way of life.

Now, in some parts of the West the reaction might have been to simply go into denial. But here the ranchers and the people realized that the threat they faced was both real and unstoppable.

Over Labor Day weekend a year ago, I met with the people most affected at a community dinner in Frenchglen. We faced the challenge together: Should we simply protest the idea of a monument, knowing it would come anyway, and trust the Federal Government to write the rules, or should we try to write legislation of our own, legislation that would have to accomplish the environmental goals of the administration without choking out a way of life on the mountain and the communities that surround it.

Well, my colleagues, the legislation we are considering today here on the floor of the House of Representatives is the end result. It is the result of hundreds, if not thousands, of hours of negotiation over the last year. It is one of the few examples where the threat of a unilaterally imposed national monument of more than a million acres has been replaced by legislation written by the people most affected.

We will hear today much about the importance of this legislation in protecting and preserving Steens Mountain. And it does do that. But it does something just as important, if not more. It protects private property rights. It protects water rights. It enshrines in Federal law the spirit of cooperative management of the Federal lands that has been unique to this region.

It is nearly half the size of the Federal monument. It is a solution in keeping with the great tradition and spirit that makes Oregon unique because we have with this legislation, in a small measure, rekindled the Oregon spirit of working together to protect our special place and our special way of life while we respect the rights of individuals and preserve the environment.

Moreover, we have proven that even in the heat of an election year, people of different parties and philosophies can work together for the common good. We heard my colleague from Eugene talk about that. Rare is the time when this delegation representing many different parts of Oregon has gotten together on a piece of legislation this monumental.

Every member of the Oregon delegation supports this bill. Every member of this delegation, House and Senate, has worked in good faith to fight for the principles they believe in that are important for our future as a State.

The Governor of Oregon and the Secretary of the Interior, with whom I have obviously had disagreements over the years, support this bill and have worked in good faith to accomplish its goals. The Oregon Cattlemen's Association and the Sierra Club, both at the table, both support this legislation. The Wilderness Society and Oregon Trout support this bill.

Is it as I would have written it if I alone could have written it? No. But neither is it as those who would eliminate ranching would have written it. It is indeed what legislating is all about. It is a compromise but a compromise that is far better than a national monument twice its size. It will allow a ranching lifestyle more than a century old to continue for generations to come, and it will protect and preserve the most fragile environment in southeastern Oregon.

I have next to me here a picture of Big Indian. This is part of what we are trying to protect and preserve. This gorge that we see here rising probably 7,000 or 8,000 feet into the sky would be protected with the wilderness boundary for about as far as we could see on this picture. It is an extraordinary place. And there is one after another after another.

We declare four wild and scenic rivers in this legislation. We set up a special redband trout reserve so that the stream where this special species is will be managed and enhanced for the protection of the redband trout.

We create 174,000 acres of wilderness, 100,000 acres of which is cow free. And yet we preserve and protect the ranching way of life in this region.

I want to close by specifically thanking and naming those people who have played such an important role in this legislation. After all, we spent more than a year working on it and clearly hundreds of hours, and we can spend a few minutes saying thanks to the people most involved.

I want to start with my former legislative director, Lindsey Slater, who has probably put more time and effort into this than any of us and has been there throughout it all with new ideas about how to make it work. It ought to be named after him, but we probably cannot go there today; and Valerie West and David Blair and Sarah Bittlemen from the Senators' offices; and Amelia Jenkins, Chris, Michael, and Bill in the Members' offices; and Kevin Smith and Peter Green; and the Governor, Secretary Babbitt, along with Molly and Laurie and Roy, our legislative counsel who we have gone back to time and time again to say this is the final draft only to have to go back one more time and say, well, we found one other thing we needed to change; and to Allen Freemyer and Lisa and Liz, thank you for your help; and to the gentleman from Utah (Chairman HANSEN) and to the gentleman from Alaska (Mr. YOUNG) for their work.

To Stacy Davies, to Fred Otley and to Charlie Otley, thank you. To all the people in Harney County, thank you for staying at the table, for working hard and fighting for what you all believe in. And to Bill Marlett and Andy Kerr, representing some of the toughest negotiators in Oregon's environmental community, thank you for giving us this opportunity, as well.

So I thank the members of the delegation, our Senators, the Governor, and the Secretary for getting us to this

point. Because, truly, it is a remarkable day. I thank the ranking member of the Committee on Resources, as well, both for his input and his understanding of the importance of this issue for our State and for our Nation.

Madam Chairman, I reserve the balance of my time.

□ 1230

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding me this time.

Madam Chairman, I want to say that no one can argue with the desire of this delegation to save Steens Mountain and the surrounding area and the importance of this environmental asset. I will, however, unfortunately, have to disagree with him about how this was gone about by the process that was used here, and I think that it is unfortunate that a number of provisions of this bill deviate from public land management and conservation designations, including those dealing with wilderness.

In addition, there are significant problems with the land exchanges proposed in this bill, including valuations and payments that have no basis in law or policy. As the General Accounting Office noted in a report done in June of this year given to our committee, many land exchanges have failed to protect the public interest or provide that the lands exchanged were of equal value. That is the law of the land.

Unfortunately, the exchanges in this bill, I believe, continue that pattern; and I find that pattern troubling because I think it raises serious questions about the public interest, about the public treasury, and about the public good. No appraisals were done in this instance. Instead, BLM at the direction of the bill's sponsors prepared a realty report. Since the lands the ranchers offered were worth significantly less than the Federal lands they wanted, the BLM was asked by the bill's sponsors to use valuation assumptions that are not found in Federal law or policy. Further, the payments to the ranchers that this bill provides are an unjustified benefit, in my opinion.

The provisions of this bill on wilderness are also troubling. First, thousands of acres of wilderness study areas are transferred to private ownership. The wilderness boundaries that were drawn in many instances follow section lines. This is both a serious management and ecological problem because those lines represent arbitrary markers and bisect resources that are hard to administer. Further, much of the wilderness is bisected by roads. While portions of the wilderness will be off-limits to cows, the Secretary is required to make other wilderness areas available to provide forage replacement.

Grazing is given a high priority in this bill, and the promotion of grazing is made one of the objectives of the area. The bill contains numerous other exemptions for grazing. While there is a general prohibition on new roads in the area, that does not apply to roads needed for livestock. Likewise, while there is a general prohibition on the construction of Federal lands, that does not apply to facilities needed for livestock. The Secretary is also required to construct fencing and water developments for livestock in the area.

I regret that the bill that is being brought to the floor today has deleted the wilderness water right language that was in the bill approved by the Committee on Resources. This is not an improvement, and in the end it will only make it harder to protect those wilderness values.

Madam Chairman, I recognize that Secretary Babbitt and the Oregon delegation have signed off on this legislation, and I recognize again that Steens Mountain is clearly an asset that is worth the kind of protection that they seek. But I think that we have to raise these questions. Otherwise, we are going to continue to see a drift in the land exchange policy of this government that continues to ignore valuations, that continues to ignore or not require appraisals and continues to ignore the public interest.

It is clearly in the public interest to protect Steens Mountain. The question is whether or not it is in the public interest to protect it in this manner. Is it in the public interest after we make an exchange of unequal parcels recognizing that there is a difference in the forage value of these lands as properly we should, we have exchanged?

We have exchanged in Roaring Springs, we took 10,000 acres, almost 11,000 acres; and we gave back 76,000 acres, recognizing that there are distinctions. We then told the Secretary of the Interior that they shall provide the fencing and the improvements and the water on those lands. And then on top of that where these already started out unequal, we have now added on cash payments that range from almost $3 million to $148,000 against the policy and the recommendations of the Department of the Interior.

I realize the desire and the sense of urgency about this and the asset that is being protected, but I think that we had better take a long and hard look at the exchange policy as the GAO recommended because it has cost the taxpayers of this country millions of dollars. At some point the integrity has got to be put back into that process. I think in fact there should be a moratorium on exchanges until such time as both the BLM and the Forest Service can tell this Congress that there is integrity in that process, that the public interest is in fact being served and the treasury of the United States is being protected.

Those are my concerns. It is not with the merits of protecting Steens Mountain. The gentleman from Oregon (Mr. WALDEN) has worked very hard on this and has brought about an agreement. Much of that agreement is in fact necessary and quite proper, but I think there are questions around valuations that are serious here. But the delegation has come together on this. They believe this is the proper manner to proceed. But I think clearly in light of the GAO report and the warnings that we have been given that we ought to give due consideration to this.

Mr. DEFAZIO. Madam Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy in giving me time to speak on this bill.

I came to this, actually it was sort of interesting. Listening to my colleague, the gentleman from eastern Oregon (Mr. WALDEN), and the gentleman from California (Mr. GEORGE MILLER), for whom I have the greatest respect and admiration, I must admit that I find myself in modest disagreement with them both.

I was one of those people that did not look at the action, the attention, the interest by Secretary Babbitt as a noose. I feel, with all due respect to my Republican colleagues, that this administration has been moving forward to attempt to protect precious jewels of resources throughout the country, and I think appropriately so. And I have been supportive of their efforts; and, candidly, at one of our early meetings, I was there to just say I did not think that monument status was a bad fallback position; and frankly, rather than a noose of Federal regulation, I am not prepared at this point to go into some debate, but I will be happy to do it with my colleague; and I am sure we will have opportunities on the campaign trail, about the Republican approach to environmental protection, hard rock mining, what has happened with grazing areas around the country; and frankly I think the vast majority of the American public supports greater protection, including many of the monument designations.

But what my friend from eastern Oregon approached, and I think rightly so, was the notion that we, because of the patchwork that has occurred in this area, in part historic accident, in part smart business practice, in part frankly we in government at all levels have been asleep at the switch, we had an opportunity to do something better. And I will add my voice and you will hear from other Members of the Oregon delegation who will come forward each with their own unique story about the treasure that is this wilderness that we are about, I hope, to designate today.

In fact, I could use all of my time, and I will not, just talking about the experience of going out at dawn on a spring morning far into the desert off a deserted road and watching the mating ritual of the sage grouse as the sun comes up. It is truly something that sends shivers down your spine and is something that is fragile in nature and something that is part of this heritage that we could lose.

And I would also take modest disagreement with my friend when he talked about this is not an area of high-tech millionaires, because it is truly a unique way of life in eastern Oregon, the ranching activities; but we have already seen that there are some of the high-tech millionaires that appreciate this. There have been sales pressures. I have visited with one gentleman in eastern Oregon recently who purchased an element that frankly we should find a way to add to the protection, because despite our vaunted land-use planning protections in Oregon, there is still much of this land that is at risk; there is much of this land that could in fact be developed in the future, and there is pressure for people to put not just mansions but massive structures which they legally would be entitled to do if we are not able to move forward in the future.

So while we are not threatened perhaps by traffic jams in this portion of eastern Oregon, we are not threatened by huge dot-com compounds that will be there, there is some of the new money, and some old money, that has the potential of disrupting this precious area.

That is why I must take modest exception to my friend from California, because there is in fact an urgency at moving forward. And because while there may not be some areas that fit perhaps into a cookie cutter approach for land valuation and exchanges, I am convinced that the package that has been developed here as a result of painstaking effort on behalf of a number of people, the tip of the iceberg was mentioned by the gentleman from Oregon (Mr. WALDEN), and they deserve that recognition and our thanks. But what was accomplished was a package that actually is fair value for priceless resources. And it was not something that the Oregon delegation signed off on. It was a vicious process of give-and-take, of hand-wringing, that resulted in drafting our approach for Oregonians.

In addition to acknowledging the efforts of my friend, the gentleman from Oregon (Mr. WALDEN), I would like to acknowledge the gentleman from Oregon (Mr. DEFAZIO), who stepped forward at a critical time. Sometimes he can be a little cranky. He saved it, he brought it in at the right moment, and I think he helped move some things forward. The administration, and especially Secretary Babbitt, who kept the eye on what our objective was. The people from the environmental community in Oregon hammered away at things that they held dear, and they are proud supporters of this legislation, from the American Lands Alliance, the Audubon Society, Columbia Gorge Audubon, Cybil Ackerman, Mark Salvo. I do not have time to go through everybody's name. I hope somebody will at the end.

But I guess I want to conclude by the notion that this is not just recapturing the heritage of what we have in eastern Oregon and crafting an Oregon solution as a team to something that is going to last for generations. I think this is an example of how this Congress should work, because as frustrated as I am frankly by the lack of environmental progress, I think we have demonstrated today that people of disparate views could come together, one person looking at the threat of protection and somebody else looking like this was going to help us, but come together and make something that was better. And I would hope that not only would the House pass this legislation overwhelmingly; but I would hope that this would serve as a model that we could take forward to craft appropriate environmental solutions, break the logjam. There are a number of things that we could move forward with, and I think if we had the same sort of inclusive process that was demonstrated here, we could in fact reach the objections that have been advanced by our friend from California and be able to move forward with items that we can all take pride in.

Madam Chairman, I add my congratulations to the gentleman from Oregon (Mr. WALDEN), the gentleman from Oregon (Mr. DEFAZIO), our Senators and governor for making this possible.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would just like to thank my colleague, the gentleman from Portland (Mr. BLUMENAUER), for his comments. I might take exception to his comment that the gentleman from Oregon (Mr. DEFAZIO) was ever cranky. I do not recall that. Well, maybe once, but I think we all were once.

I would point out, too, that his comment about the high-tech millionaires is perhaps taken in a different context than I meant it, which is that this is not the center of industry in that respect. But he is very right in the sense that those who do have that wealth are eyeing this mountain because as people saw on this floor, the views from there are extraordinary, the pressures to sell off parcels on this mountain are only increasing; and there could be over 200 buildable lots on this mountain that even under Oregon's fairly restrictive land-use laws could be accessed, and you could have trophy homes built on. So indeed the investment we are making today is one for the future, to protect and preserve the best of this mountain and preserve the life-style.

Madam Chairman, I reserve the balance of my time.

□ 1245

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Chairman, I thank the gentleman for yielding the time to me, and I rise in strong support of this legislation, the Steens Mountain Wilderness Act. Anyone who has ever been to Oregon and has seen the Steens Mountain and the Alvord Desert knows it is one of the most beautiful and pristine places in the world.

Madam Chairman, what is more, if you have not been to Oregon, you probably know about our passion for making sure that we keep Oregon beautiful and protecting our resources; and that is why we have before us today this wonderful, outstanding consensus piece of legislation.

H.R. 4828 is an Oregon-based solution that not only protects private property rights, but will also protect the scientifically important landscape.

Madam Chairman, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WALDEN), for his working so hard to bring this bill to the floor today. I look at how this was handled by the gentleman; and it is typical, I think, about how Oregonians solve problems. He brought everyone to the table, and he worked very hard to find that win-win solution.

Frankly, like my colleague, the gentleman from Oregon (Mr. BLUMENAUER), I think this would be a wonderful model that we could use in Congress and do seldom use. In addition, I would like to thank Secretary Babbitt and my colleague, the gentleman from Oregon (Mr. DEFAZIO), the ranking member on the Committee on Resources, for working out all the nitty-gritty details.

I mean, this is a kind of legislation that is not only protecting this wonderful area, but how do you get all of those little details and all the staff that worked on this. Again, while not a Member of Congress, I would like to thank my staff, Chris Huckleberry, for all the hard work he did on it in the last year.

Finally, I would like to include a letter of support from the Oregon governor, John Kitzhaber, into the RECORD.

OCTOBER 4, 2000.

TO THE OREGON CONGRESSIONAL DELEGATION: The Steens Mountain Area is a state and national treasure. Its beauty and ecological value are immense. The Steens-Alvord area is home to multiple rare species, scientifically important landscapes and outstanding recreational and scenic values. It is

our duty to conserve and protect it for generations to come.

The Steens Mountain Area is also home to a rich and valuable Oregon culture. From the ancestors of the Burns Paiute Native American tribe to the family ranches of today, the Steens-Alvord area has cultural, historical, and economic value. We must not lose this value. We must diligently safeguard the existing culture and way of life on the mountain, for if we do not we will surely diminish all the critical values of the mountain—its ecology, its culture, and its people.

The legislation before the House today goes a long way toward achieving these purposes and I am happy to join the Oregon congressional delegation in supporting this needed legislation.

GOVERNOR JOHN A. KITZHABER, M.D.

Madam Chairman, again, I thank all of the people that worked so hard on this. It is a wonderful solution to a problem, and it is a model this Congress could use and hopefully will use more in the future. I urge my colleagues to vote yes on this bill.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill and want to take this opportunity to recognize the tremendous hard work which the gentleman from Oregon (Mr. WALDEN) has put into this effort, the leadership of the gentleman from Oregon (Mr. DEFAZIO), and keeping all of us on track.

I would like to also recognize the governor, the administration and all the Members of the Oregon delegation in coming together to resolve this complex set of issues the way that Oregonians traditionally have, cooperatively, with common vision, and common sense.

And what an achievement we indeed have, because from either Steens Mountain looking down to the Alvord Desert or from the Alvord Basin looking up to the mountain, the Steens Mountain is a treasure in the sky, now saved for all time.

We do a good thing today, cooperation, common sense, common vision, coming together to produce this uncommon moment.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I want to thank my colleagues from the Oregon delegation, both for their eloquent words in support of this legislation and for the team work that went into this bill. It is, as I said earlier, in my time in Congress fairly unprecedented the degree of comity and the progress we have made as we went through very, very long and productive discussions.

One of the highlights has to have been the hour-and-a-half meeting in my office with the governor on the conference call. We are not quite sure how long he was there. He was there to help us with one key point and was subjected to listening for quite some period of time.

I also want to thank others who were involved, Lindsay Slater, as was said earlier, just did yeoman's work; and it is a real loss to the gentleman from Oregon (Mr. WALDEN) that he is taking on the task of representing an inland State, but we wish him well in his new job. Troy Tidwell, our two senators who obviously played a key role in this and will play a key role in its final enactment, since we have to deal with the other body, so-called, Governor Kitzhaber, as I said earlier, his patience, his contribution, the staff of all of these individuals.

In particular, I want to acknowledge Josh Kardon. He was in a number of meetings on this issue when Senator WYDEN had to be occupied elsewhere by his official business, and Josh played a key role in meetings with Secretary Babbitt and others. Sarah Bittleman and David Blair also on the Senator's staff. Valerie West, who did tremendous work on Senator SMITH's staff, and I have had an occasion to work with Valerie previously when she worked for Representative SMITH on the Oregon Wild and Scenic Rivers bill, and she did great work on this. Kevin Smith from the governor's office.

Madam Chairman, I had quite a number of occasions to meet with and chat with Secretary Babbitt over the phone on the development of this legislation, and he was a tremendous help, and his staff, Molly McUsic and Laurie Settlemeyer, were also tremendous contributors.

Rick Healy from the Committee on Resources did a great job in basically pointing out what he felt were concerns and deficiencies on behalf of the gentleman from California (Mr. GEORGE MILLER), the ranking member. And we addressed quite a few of those during the development of the legislation.

Madam Chairman, I am proud of this legislation. It is a day when I am just so proud to be a Member of the rather small, but sometimes powerful, Oregon delegation, because I think we are going to bowl this bill right through here today without hardly any dissention on the part of our colleagues. So congratulations to the gentleman from eastern Oregon (Mr. WALDEN), who represents this area, and my thanks to all the other Members of the delegation.

Madam Chairman, I forgot my staff, Amelia Jenkins, who did yeoperson's work in this battle on a fine, wonderful resolution.

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

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I just again want to thank my colleague, the gentleman from the fourth district for Oregon (Mr. DEFAZIO), for putting up with my persistence. I know there were times when I was probably a little more persistent than I needed to be, but we got here. We could not have done it without the gentleman's help, because obviously there are things that the gentleman feels very strongly about, as do others in the delegation and others in different communities, that had to be addressed, that had to be dealt with if we were going to be successful and be here today.

I appreciate the gentleman's help and that of the other members of the delegation, important roles each of you played in working this through here at the final days or week and a half, hopefully, of this legislative session.

To be at this point, I think it is truly unique and I think we have a partnership that can be used, and we have shown that the legislative process can work. I think Americans out there who probably do not have a clue about Steens Mountain have at least come to understand that you can make this process work if you allow everybody at the table to try and resolve the issues at hand; and so it is truly a delight to be here and to move this bill forward and to be in a position we are in right now. I thank each of you for your hard work, your dedication, your comments, and your support.

Madam Chairman, I urge my colleagues to support H.R. 4828, the Steens Mountain Wilderness Act of 2000.

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

The CHAIRMAN (Mrs. BIGGERT). All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered read.

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

H.R. 4828

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

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Steens Mountain Cooperative Management and Protection Act of 2000''.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and nondevelopment rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens' management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; purposes; table of contents.
Sec. 2. Definitions.
Sec. 3. Maps and legal descriptions.
Sec. 4. Valid existing rights.
Sec. 5. Protection of tribal rights.
TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA
Subtitle A—Designation and Purposes
Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
Sec. 102. Purpose and objectives of Cooperative Management and protection Area.
Subtitle B—Management of Federal Lands
Sec. 111. Management authorities and purposes.
Sec. 112. Roads and travel access.
Sec. 113. Land use authorities.
Sec. 114. Land acquisition authority.
Sec. 115. Special use permits.
Subtitle C—Cooperative Management
Sec. 121. Cooperative management agreements.
Sec. 122. Cooperative efforts to control development and encourage conservation.
Subtitle D—Advisory Council
Sec. 131. Establishment of advisory council.
Sec. 132. Advisory role in management activities.
Sec. 133. Science committee.
TITLE II—STEENS MOUNTAIN WILDERNESS AREA
Sec. 201. Designation of Steens Mountain Wilderness Area.
Sec. 202. Administration of Wilderness Area.
Sec. 203. Water rights.
Sec. 204. Treatment of wilderness study areas.
TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE
Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
Sec. 302. Donner und Blitzen River redband trout reserve.
TITLE IV—MINERAL WITHDRAWAL AREA
Sec. 401. Designation of mineral withdrawal area.
Sec. 402. Treatment of State lands and mineral interests.
TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA
Sec. 501. Wildlands juniper management area.
Sec. 502. Release from wilderness study area status.
TITLE VI—LAND EXCHANGES
Sec. 601. Land exchange, Roaring Springs Ranch.
Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
Sec. 604. Land exchange, Lowther (Clemens) Ranch.
Sec. 605. General provisions applicable to land exchanges.
TITLE VII—FUNDING AUTHORITIES
Sec. 701. Authorization of appropriations.
Sec. 702. Use of land and water conservation fund.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''advisory council'' means the Steens Mountain Advisory Council established by title IV.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—An agreement to plan or implement (or both) cooperative recreation, ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this Act.

(3) COOPERATIVE MANAGEMENT AND PROTECTION AREA.—The term ''Cooperative Management and Protection Area'' means the Steens Mountain Cooperative Management and Protection Area designated by title I.

(4) EASEMENTS.—

(A) CONSERVATION EASEMENT.—The term ''conservation easement'' means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) NONDEVELOPMENT EASEMENT.—The term ''nondevelopment easement'' means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

(i) prevent or restrict development on the land covered by the easement; or

(ii) protect open space or viewshed.

(5) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) REDBAND TROUT RESERVE.—The term ''Redband Trout Reserve'' means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) SCIENCE COMMITTEE.—The term ''science committee'' means the committee of independent scientists appointed under section 133.

(10) WILDERNESS AREA.—The term ''Wilderness Area'' means the Steens Mountain Wilderness Area designated by title II.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress maps and legal descriptions of the following:

(1) The Cooperative Management and Protection Area.

(2) The Wilderness Area.

(3) The wild and scenic river segments and redband trout reserve designated by title III.

(4) The mineral withdrawal area designated by title IV.

(5) The wildlands juniper management area established by title V.

(6) The land exchanges required by title VI.

(b) LEGAL EFFECT AND CORRECTION.—The maps and legal descriptions referred to in subsection (a) shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the maps and legal descriptions referred to in subsection (a) shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in the State of Oregon.

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) DESIGNATION.—The Secretary shall designate the Steens Mountain Cooperative Management and Protection Area consisting of approximately 425,550 acres of Federal land located in Harney County, Oregon, in the vicinity of Steens Mountain, as generally depicted on the map entitled ''Steens Mountain Boundary Map'' and dated September 18, 2000.

(b) CONTENTS OF MAP.—In addition to the general boundaries of the Cooperative Management and Protection Area, the map referred to in subsection (a) also depicts the general boundaries of the following:

(1) The no livestock grazing area described in section 113(e).

(2) The mineral withdrawal area designated by title IV.

(3) The wildlands juniper management area established by title V.

SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) PURPOSE.—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

(b) OBJECTIVES.—To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations—

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

(a) IN GENERAL.—The Secretary shall manage all Federal lands included in the Cooperative Management and Protection Area pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable provisions of law, including this Act, in a manner that—

(1) ensures the conservation, protection, and improved management of the ecological, social and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and

(2) recognizes and allows current and historic recreational use.

(b) MANAGEMENT PLAN.—Within four years after the date of the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

(1) describe the appropriate uses and management of the Cooperative Management and Protection Area consistent with this Act;

(2) incorporate, as appropriate, decisions contained in any current or future management or activity plan for the Cooperative Management and Protection Area and use information developed in previous studies of the lands within or adjacent to the Cooperative Management and Protection Area;

(3) provide for coordination with State, county, and private local landowners and the Burns Paiute Tribe; and

(4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area.

(c) MONITORING.—The Secretary shall implement a monitoring program for Federal lands in the Cooperative Management and Protection Area so that progress towards ecological integrity objectives can be determined.

SEC. 112. ROADS AND TRAVEL ACCESS.

(a) TRANSPORTATION PLAN.—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

(b) PROHIBITION ON OFF-ROAD MOTORIZED TRAVEL.—

(1) PROHIBITION.—The use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area—

(A) is prohibited off road; and

(B) is limited to such roads and trails as may be designated for their use as part of the management plan.

(2) EXCEPTIONS.—Paragraph (1) does not prohibit the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area if the Secretary determines that such use—

(A) is needed for administrative purposes or to respond to an emergency; or

(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(c) ROAD CLOSURES.—Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public.

(d) PROHIBITION ON NEW CONSTRUCTION.—

(1) PROHIBITION, EXCEPTION.—No new road or trail for motorized or mechanized vehicles may be constructed on Federal lands in the Cooperative Management and Protection Area unless the Secretary determines that the road or trail is necessary for public safety or protection of the environment. Any determination under this subsection shall be made in consultation with the advisory council and the public.

(2) TRAILS.—Nothing in this subsection is intended to limit the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use.

(e) ACCESS TO NONFEDERALLY OWNED LANDS.—

(1) REASONABLE ACCESS.—The Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

(2) EFFECT ON EXISTING RIGHTS-OF-WAY.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way on Federal lands included in the Cooperative Management and Protection Area.

SEC. 113. LAND USE AUTHORITIES.

(a) IN GENERAL.—The Secretary shall allow only such uses of the Federal lands included in the Cooperative Management and Protection Area as the Secretary finds will further the purposes for which the Cooperative Management and Protection Area is established.

(b) COMMERCIAL TIMBER.—

(1) PROHIBITION.—The Federal lands included in the Cooperative Management and Protection Area shall not be made available for commercial timber harvest.

(2) LIMITED EXCEPTION.—The Secretary may authorize the removal of trees from Federal lands in the Cooperative Management and Protection Area only if the Secretary determines that the removal is clearly needed for purposes of ecological restoration and maintenance or for public safety. Except in the Wilderness Area and the wilderness study areas referred to in section 204(a), the Secretary may authorize the sale of products resulting from the authorized removal of trees under this paragraph.

(c) JUNIPER MANAGEMENT.—The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.

(d) HUNTING, FISHING, AND TRAPPING.—

(1) AUTHORIZATION.—The Secretary shall permit hunting, fishing, and trapping on Federal lands included in the Cooperative Management and Protection Area in accordance with applicable laws and regulations of the United States and the State of Oregon.

(2) AREA AND TIME LIMITATIONS.—After consultation with the Oregon Department of Fish and Wildlife, the Secretary may designate zones where, and establish periods when, hunting, trapping or fishing is prohibited on Federal lands included in the Cooperative Management and Protection Area for reasons of public safety, administration, or public use and enjoyment.

(e) GRAZING.—

(1) CONTINUATION OF EXISTING LAW.—Except as otherwise provided in this section and title VI, the laws, regulations, and executive orders otherwise applicable to the Bureau of Land Management in issuing and administering grazing leases and permits on lands under its jurisdiction shall apply in regard to the Federal lands included in the Cooperative Management and Protection Area.

(2) CANCELLATION OF CERTAIN PERMITS.—The Secretary shall cancel that portion of the permitted grazing on Federal lands in the Fish Creek/Big Indian, East Ridge, and South Steens allotments located within the area designated as the ''no livestock grazing area'' on the map referred to in section 101(a). Upon cancellation, future grazing use in that designated area is prohibited. The Secretary shall be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.

(3) FORAGE REPLACEMENT.—Reallocation of available forage shall be made as follows:

(A) O'Keefe pasture within the Miners Field allotment to Stafford Ranches.

(B) Fields Seeding and Bone Creek Pasture east of the county road within the Miners Field allotment to Amy Ready.

(C) Miners Field Pasture, Schouver Seeding and Bone Creek Pasture west of the county road within the Miners Field allotment to Roaring Springs Ranch.

(D) 800 animal unit months within the Crows Nest allotment to Lowther (Clemens) Ranch.

(4) FENCING AND WATER SYSTEMS.—The Secretary shall also construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

(f) PROHIBITION ON CONSTRUCTION OF FACILITIES.—No new facilities may be constructed

on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

(1) will be minimal in nature;

(2) is consistent with the purposes of this Act; and

(3) is necessary—

(A) for enhancing botanical, fish, wildlife, or watershed conditions;

(B) for public information, health, or safety;

(C) for the management of livestock; or

(D) for the management of recreation, but not for the promotion of recreation.

(g) WITHDRAWAL.—Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 102 and so certifies to Congress.

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) ACQUISITION.—

(1) ACQUISITION AUTHORIZED.—In addition to the land acquisitions authorized by title VI, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

(2) ACQUISITION METHODS.—Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

(b) TREATMENT OF ACQUIRED LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) or title VI that are located within the boundaries of the Cooperative Management and Protection Area shall—

(A) become part of the Cooperative Management and Protection Area; and

(B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

(2) LANDS WITHIN WILDERNESS AREA.—If lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

(1) become part of the Wilderness Area; and

(2) be managed pursuant to title II and the other laws applicable to the Wilderness Area.

(3) LANDS WITHIN WILDERNESS STUDY AREA.—If the lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

(1) become part of that wilderness study area; and

(2) be managed pursuant to the laws applicable to that wilderness study area.

(c) APPRAISAL.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this Act, as determined by the Secretary.

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

(a) COOPERATIVE EFFORTS.—To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

(b) AGREEMENTS AUTHORIZED.—The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

(c) OTHER PARTICIPANTS.—With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

(d) TRIBAL CULTURAL SITE PROTECTION.—The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOPMENT AND ENCOURAGE CONSERVATION.

(a) POLICY.—Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) USE OF NONDEVELOPMENT AND CONSERVATION EASEMENTS.—The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this Act.

(c) CONSERVATION INCENTIVE PAYMENTS.—The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) RELATION TO PROPERTY RIGHTS AND STATE AND LOCAL LAW.—Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

Subtitle D—Advisory Council

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

(b) MEMBERS.—The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(2) Two persons who are grazing permittees on Federal lands in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(9) A person with expertise and interest in wild horse management on Steens Mountain, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

(c) CONSULTATION.—In reviewing nominees submitted under subsection (b) for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

(d) TERMS.—

(1) STAGGERED TERMS.—Members of the advisory council shall be appointed for terms of three years, except that, of the members first appointed, four members shall be appointed for a term of one year and four members shall be appointed for a term of two years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the advisory council.

(3) VACANCY.—A vacancy on the advisory council shall be filled in the same manner as the original appointment.

(d) CHAIRPERSON AND PROCEDURES.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(e) SERVICE WITHOUT COMPENSATION.—Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

(f) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the

Bureau of Land Management to serve as the Secretary's liaison to the council.

(g) STATE LIAISON.—The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

(h) APPLICABLE LAW.—The advisory committee shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

(a) MANAGEMENT RECOMMENDATIONS.—The advisory committee shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

(b) PREPARATION OF MANAGEMENT PLAN.—The Secretary shall consult with the advisory committee as part of the preparation and implementation of the management plan.

(c) SUBMISSION OF RECOMMENDATIONS.—No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

SEC. 133. SCIENCE COMMITTEE.

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled ''Steens Mountain Wilderness Area'' and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

(a) GENERAL RULE.—The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(b) WILDERNESS BOUNDARIES ALONG ROADS.—Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management's guidelines as established in its Wilderness Management Policy.

(c) ACCESS TO NON-FEDERAL LANDS.—The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d).

(d) GRAZING.—

(1) ADMINISTRATION.—Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth in Appendices A and B of House Report 101–405 of the 101st Congress.

(2) RETIREMENT OF CERTAIN PERMITS.—The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 101(a), and livestock shall be excluded from these lands.

SEC. 203. WATER RIGHTS.

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

(a) STATUS UNAFFECTED.—Except as provided in section 502, any wilderness study area, or portion of a wilderness study area, within the boundaries of the Cooperative Management and Protection Area, but not included in the Wilderness Area, shall remain a wilderness study area notwithstanding the enactment of this Act.

(b) MANAGEMENT.—The wilderness study areas referred to in subsection (a) shall continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) in a manner so as not to impair the suitability of the areas for preservation as wilderness.

(c) EXPANSION OF BASQUE HILLS WILDERNESS STUDY AREA.—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER STATUS IN STEENS MOUNTAIN AREA.

(a) EXPANSION OF DONNER UND BLITZEN WILD RIVER.—Section 3(a)(74) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(74)) is amended—

(1) by striking ''the'' at the beginning of each subparagraph and inserting ''The'';

(2) by striking the semicolon at the end of subparagraphs (A), (B), (C), and (D) and inserting a period;

(3) by striking ''; and'' at the end of subparagraph (E) and inserting a period; and

(4) by adding at the end the following new subparagraphs:

''(G) The 5.1 mile segment of Mud Creek from its confluence with an unnamed spring in the SW¼SE¼ of section 32, township 33 south, range 33 east, to its confluence with the Donner und Blitzen River.

''(H) The 8.1 mile segment of Ankle Creek from its headwaters to its confluence with the Donner und Blitzen River.

''(I) The 1.6 mile segment of the South Fork of Ankle Creek from its confluence with an unnamed tributary in the SE¼SE¼ of section 17, township 34 south, range 33 east, to its confluence with Ankle Creek.''.

(b) DESIGNATION OF WILDHORSE AND KIGER CREEKS, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(____) WILDHORSE AND KIGER CREEKS, OREGON.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

''(A) The 2.6-mile segment of Little Wildhorse Creek from its headwaters to its confluence with Wildhorse Creek.

''(B) The 7.0-mile segment of Wildhorse Creek from its headwaters, and including .36 stream miles into section 34, township 34 south, range 33 east.

''(C) The approximately 4.25-mile segment of Kiger Creek from its headwaters to the point at which it leaves the Steens Mountain Wilderness Area within the Steens Mountain Cooperative Management and Protection Area.''.

(c) MANAGEMENT.—Where management requirements for a stream segment described in the amendments made by this section differ between the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Area, the more restrictive requirements shall apply.

SEC. 302. DONNER UND BIITZEN RIVER REDBAND TROUT RESERVE.

(a) FINDINGS.—The Congress finds the following:

(1) Those portions of the Donner und Blitzen River in the Wilderness Area are an exceptional environmental resource that provides habitat for unique populations of native fish, migratory waterfowl, and other wildlife resources, including a unique population of redband trout.

(2) Redband trout represent a unique natural history reflecting the Pleistocene connection between the lake basins of eastern Oregon and the Snake and Columbia Rivers.

(b) DESIGNATION OF RESERVE.—The Secretary shall designate the Donner und Blitzen Redband Trout Reserve consisting of the Donner und Blitzen River in the Wilderness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

(c) RESERVE PURPOSES.—The purposes of the Redband Trout Reserve are—

(1) to conserve, protect, and enhance the Donner und Blitzen River population of redband trout and the unique ecosystem of plants, fish, and wildlife of a river system; and

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

(d) EXCLUSION OF PRIVATE LANDS.—The Redband Trout Reserve does not include any private lands adjacent to the Donner und Blitzen River or its tributaries.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) CONSULTATION.—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

(3) RELATION TO RECREATION.—To the extent consistent with applicable law, the Secretary shall manage recreational activities in the Redband Trout Reserve in a manner that conserves the unique population of redband trout native to the Donner und Blitzen River.

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if removal of the dam is scientifically justified and funds are available for such purpose.

(f) OUTREACH AND EDUCATION.—The Secretary may work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes of the Redband Trout Reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

(a) DESIGNATION.—Subject to valid existing rights, the Federal lands and interests in lands included within the withdrawal boundary as depicted on the map referred to in section 101(a) are hereby withdrawn from—

(1) location, entry and patent under the mining laws; and,

(2) operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto except as specified in subsection (b).

(b) ROAD MAINTENANCE.—If consistent with the purposes of this Act and the management plan for the Cooperative Management and Protection Area, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in those locations identified on the map referred to in section 101(a) as an existing ''gravel pit'' within the mineral withdrawal boundaries (excluding the Wilderness Area, wilderness study areas, and designated segments of the National Wild and Scenic Rivers System) where such development was authorized before the date of enactment of this Act.

SEC. 402. TREATMENT OF STATE LANDS AND MINERAL INTERESTS.

(a) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State of Oregon, lands and interests in lands owned by the State within the boundaries of the mineral withdrawal area designated pursuant to section 401.

(b) ACQUISITION METHODS.—The Secretary shall acquire such State lands and interests in lands in exchange for—

(1) Federal lands or Federal mineral interests that are outside the boundaries of the mineral withdrawal area;

(2) a monetary payment to the State; or

(3) a combination of a conveyance under paragraph (1) and a monetary payment under paragraph (2).

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

(a) ESTABLISHMENT.—To further the purposes of section 113(c), the Secretary shall establish a special management area consisting of certain Federal lands in the Cooperative Management and Protection Area, as depicted on the map referred to in section 101(a), which shall be known as the Wildlands Juniper Management Area.

(b) MANAGEMENT.—Special management practices shall be adopted for the Wildlands Juniper Management Area for the purposes of experimentation, education, interpretation, and demonstration of active and passive management intended to restore the historic fire regime and native vegetation communities on Steens Mountain.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the authorization of appropriations in section 701, there is authorized to be appropriated $5,000,000 to carry out this title and section 113(c) regarding juniper management in the Cooperative Management and Protection Area.

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

The Federal lands included in the Wildlands Juniper Management Area established under section 501 are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to managing the lands so as not to impair the suitability of the lands for preservation as wilderness.

TITLE VI—LAND EXCHANGES

SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with Roaring Springs Ranch, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 76,374 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), Roaring Springs Ranch, Incorporated, shall convey to the Secretary parcels of land consisting of approximately 10,909 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area, a wilderness study area, and the no livestock grazing area as appropriate.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in part of grazing permits for the South Steens allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(C) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Roaring Springs Ranch, Incorporated, in the amount of $2,889,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY BROTHERS.

(a) C. M. OTLEY EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with C. M. Otley to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 3,845 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in paragraph (3), C. M. Otley shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 851 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of $920,000.

(b) OTLEY BROTHERS EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Otley Brother's, Inc., to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 6,881 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in subsection (3), the Otley Brother's, Inc., shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 505 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to Otley Brother's, Inc., in the amount of $400,000.

(c) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyances of the Federal lands under subsections (a) and (b) within 70 days after the Secretary accepts the lands described in such subsections.

SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, INCORPORATED.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Wilderness Area, the Secretary may carry out a land exchange with Tom J. Davis Livestock, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,340 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (c), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Tom J. Davis Livestock, Incorporated, in the amount of $800,000.

(d) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), the Lowther (Clemens) Ranch shall convey to the Secretary a parcel of land consisting of approximately 1,078 acres, as depicted on the map referred to in section 605(a), for inclusion in the Cooperative Management and Protection Area.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in whole of the grazing permit for the Fish Creek/Big Indian allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(D) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Lowther (Clemens) Ranch, in the amount of $148,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

(a) MAP.—The land conveyances described in this title are generally depicted on the map entitled ''Steens Mountain Land Exchanges'' and dated September 18, 2000.

(b) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management. It is anticipated that the Secretary will be able to carry out such land exchanges without the promulgation of additional regulations and without regard to the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this title must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) LEGAL DESCRIPTIONS.—The exact acreage and legal description of all lands to be exchanged under this title shall be determined by surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute a land exchange under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in sections 501(c) and 702, there is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

(a) AVAILABILITY OF FUND.—There are authorized to be appropriated $25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

(b) TERM OF USE.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

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

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4828), to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, pursuant to House Resolution 609, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

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

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

The title of the bill was amended so as to read: ''A bill to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1300

APPOINTMENT OF CONFEREES ON H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. GILCHREST. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, 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 (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, GILCHREST, DEFAZIO, and BAIRD.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 835, ESTUARY HABITAT AND CHESAPEAKE BAY RESTORATION ACT OF 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes:

Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, and GILCHREST, Mrs. FOWLER, and Messrs. SHERWOOD, SWEENEY, KUYKENDALL, VITTER, OBERSTAR, BORSKI, BARCIA, FILNER, TAYLOR of Mississippi, BLUMENAUER, and BALDACCI.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, and LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and Messrs. BISHOP, SISISKY, CONDIT, ROEMER, and HASTINGS of Florida.

From the Committee on Armed Services for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP, and SKELTON.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). 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.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, for the next hour I will be joined by at least one other of our colleagues and perhaps others who are making their way to the floor to talk about the important issue of education in America, and specifically, the work that is being undertaken by the Republican majority in the Committee on Education and the Workforce.

It is the number one topic that voters tell us they care about, and with good reason. Education is essential and fundamental to the maintenance of our Republic. It is virtually impossible in a Nation that is devised on a philosophy where the people hold the power and loan that authority to politicians at election time to have a nation made up of an unwise electorate.

Of course, being educated liberally in the education of our history, of political philosophy, economics, science, math, and all the rest is absolutely essential in maintaining our presence in the world and on this planet as the world's freest democracy and the nation with the most economic opportunity in the world.

With that in mind, we have begun the process of looking at the United States Department of Education, an agency that spends and manages on the order of $120 billion per year.

Now, about $40 billion of that is annual appropriations, and that level of funding increases pretty dramatically every year, and has increased even more dramatically now that Republicans have taken over control of the House, a fact which many friends, many of my Democrat friends on the other side of the aisle, cannot seem to come to grips with, and choose to ignore the reality of that.

Not all spending in the Department of Education is good, just because we support education. I say that because of the failure to achieve our ultimate goal in education funding. Our ultimate goal where education funding is concerned is to get dollars to the classroom, to get the money that the American people send to Washington and expect us to appropriate responsibly to the children who need it most. That is our goal. That is our mission.

Unfortunately, that does not happen to the extent we would like. I am sorry to say that the United States Department of Education, despite the best of intentions, despite the wonderful mission statement that is printed on their brochure and beneath their seal that Members will find just down the road here at the several Education Department office buildings and headquarters, wastes too much money on waste, fraud, and abuse. Money has been stolen right out from underneath the noses of the Department of Education budget managers.

I want to talk about some of those examples, because before we begin the process of trying to streamline the Federal government, trying to reorient ourselves and the way we spend money on children and the education process, we need to understand what the failures are at the Department of Education today.

As I mentioned, out of an agency that manages about $120 billion a year, we see too much of it squandered. Again, about $40 billion of it is appropriated annually through this Congress. The rest is managed through the loan portfolio, student loans that are managed by the United States Department of Education.

In total, it comes out to about $120 billion, making this agency one of the largest financial institutions in the United States, and certainly one of the largest financial institutions in the world. With that much money, we should spend an inordinate amount of time, in my opinion, making sure those dollars are spent properly and correctly.

What really turned us on to this project was our efforts on the Subcommittee on Oversight and Investigations, under the leadership of the gentleman from Michigan (Mr. HOEKSTRA). Our efforts were focused on spending. We wanted to go back to the Department of Education and ask, what did they do with the money we appropriated last year?

On a number of indicators, it is unfortunate that we see the quality of education declining, borne out by the comparisons of our students in the United States in math and science. Against students in math and science in 21 of our industrialized peers around the world, we rank near the bottom. Out of those 21 countries, we are number 19, 19. It is unacceptable.

So we ask, what are they doing with all the money? Why do we continue to rank lower and lower when compared to our international peers, yet we keep spending more and more in Washington on the Federal education bureaucracy? There seems to be some problem.

So we started looking at the money. We asked some fundamental questions about how the past dollars were spent. To our horror, we discovered that in 1998, the Department of Education could not tell us how they spent and how they managed their $120 billion agency. They could not tell us.

See, the Congress requires every Federal agency to conduct audits of their financial activities and to rely those audits to the Congress, which we review and consider at the time when we appropriate more money. So various Federal agencies sent their audits back to the Congress.

Most Federal agencies did not do very well. Their books were not kept in a way that meets reasonable standards for accountability. But in the case of the Department of Education, it was worse than that, Mr. Speaker. In 1998, the United States Department of Education managed its books so poorly that it could not even audit the books.

When I say the word ''managed,'' that is being generous. In reality, the Department of Education in 1998 mismanaged its books so severely that when the audit was required, the auditors, outside auditors in Ernst & Young, came back to the Congress and said, we cannot even do the audit, it is that bad. A $120 billion agency cannot audit its books. The books were unauditable.

In 1999, things got slightly better. The Department was able to audit its books, which gave us a better idea of how it accounts for its money. It received the poorest grade possible on that financial audit. There were huge discrepancies on the order of hundreds of millions of dollars that were misplaced, that were put in the wrong accounts.

We found a grant-back account, as it is called, where the U.S. Department of Education sends a check to various vendors around the country and grant recipients, universities, mainly. At the Department they send not one check, often they send two checks. They have to set up an account to receive the second check back.

The receipt of that check is usually predicated on a conscientious university somewhere recognizing the error, recognizing that they received two identical checks for the same expenditure, and sending one back.

□ 1315

If they fail to do that, it could take years before the U.S. Department of

Education ever gets around to finding the error and recovering the money.

When we looked last at that grant back account, it had a balance of about $750 million. Now, these are funds that the Department could not really tell us where they came from, they were not sure where they were supposed to be, and they were unclear as to the status of those funds at the time we were there and where they should be properly held. Since that investigation, the balance of that fund has been dropped down. But the Department, to this day, continues to crank out duplicate checks and duplicate payments. The Department does not have sufficient controls either to catch these errors.

What we have discovered is that system of poorly managed, of errant accounting creates an environment where waste, fraud and abuse are actually encouraged, not officially encouraged, but tacitly encouraged.

Let me give my colleagues an example that involves the State of South Dakota, and I see the gentleman from Michigan (Mr. HOEKSTRA), chairman of the Subcommittee on Oversight and Investigations, here as well as the gentleman from South Dakota (Mr. THUNE) who represents the two school districts that are in question.

It seems that some money called Impact Aid funds was supposed to be wired from the U.S. Department of Education to its intended recipients in South Dakota, two schools. But somewhere along the line, the security system was breached, and somebody rekeyed in the account codes of the schools in South Dakota, that effectively the Federal money, $2 million worth, was wired, stolen, and diverted into private accounts.

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

Mr. SCHAFFER. I yield to the gentleman from Michigan to elaborate further on that story.

Mr. HOEKSTRA. Mr. Speaker, I mean, when we think about this process and we got involved in this issue, when the Department of Education failed its 1998 audit, which means the auditors came in and said the way that the numbers are reported in their financial statements, we have taken a look at their internal processes and procedures, and there is not a clear indication or there is not a high degree of confidence that the numbers that they are reporting accurately reflect what happened within the Department of Education. They did the same thing for 1999. They put some qualifications on it. The Department of Education made some progress.

The interesting thing in the 1999 audit, which bears directly on the Impact Aid that the gentleman just brought up is that, in the 1999 audit statement, which came out earlier in the year 2000, but it was as they were taking a look at how the Department of Education was processing their checks and their payments in 1999, they said in the audit report that there is no integrity in the process; that individuals within the process had too much latitude and too many responsibilities so that perhaps the same person entering the data would have the opportunity to change the data and those types of things. It appears that may be exactly what happened in this case. But it was brought out in the 1999 audit.

So what we find is they failed the 1998 audit. They failed their 1999 audit. Specifically in the 1999 audit, they raise questions about the integrity of the way that Impact Aid funds are distributed. Then we end up with the gentleman from South Dakota (Mr. THUNE) here and a couple of school districts in his State not getting their Impact Aid funds. Why? Precisely the reason that was identified in the 1999 audit.

So even when these things are highlighted and specifically highlighted within the audit reports, the Department of Education has demonstrated an inability or a callousness to actually making the changes and responding to the auditors.

Mr. SCHAFFER. Mr. Speaker, we on the Republican side of the aisle are very, very serious about getting dollars to the classroom, and it does not always mean we have to spend more. What it does mean, though, is that we have to be smarter and wiser. We need to be more vigilant when it comes to streamlining the Department of Education so that we can be more efficient and squeeze more value out of every dollar that we spend.

Now, we care about this across the spectrum of the Republican majority because we care about children, and we want the hard-earned dollars of the American people going to the most important priority in our Nation. But it matters even more when one is the Congressman who represents the children who have been defrauded in the case that we just mentioned of $2 million for some of the poorest school districts in one's constituency. Of course I am speaking of the gentleman from South Dakota (Mr. THUNE) who is here, and I yield to him to tell us what this means back home in South Dakota for him and his constituents.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) as well for the great leadership that they have taken from discovering and examining and reviewing Federal budgets, and particularly in this case the Federal Department of Education, to determining what in fact is going wrong over there, why are we failing audits and uncovering a lot of these issues.

Mr. Speaker, I just think that the gentleman from Colorado (Mr. SCHAFFER) made a good point, and that is that what we have talked about for some time is getting the Federal education dollar, in other words, the dollars the taxpayers of this country pay that goes into Washington to support education, back into the classroom and keep it from being lost in the Washington bureaucracy.

There is a perfect example of why we have to do that. We look at what happened, let us me just retell the story very briefly here because I think this paints a picture about what happened in South Dakota. One has got a school that is waiting for its money, contacted the Department of Education. The Department could not find the money, so it cut them a brand-new check.

Meanwhile, back at the ranch, as they say, two men are trying to buy a Corvette in the State of Maryland. They fail a background check and the dealer decides to call the FBI. The FBI, of course, investigates and finds that $2 million in Federal education dollars intended for two rural school districts in South Dakota have been diverted into private bank accounts in Maryland and were used to buy luxury SUVs and a house.

Now, the Department of Education has an enormous budget in relative terms, I think in direct expenditures somewhere around a little under $40 billion a year. If we add all the student loans and other things that are processed there as much as $120 billion actually goes through the Department of Education. Two million dollars, with an ''M,'' $2 million may not seem like a lot to them, but it means a lot to the kids and the teachers in those two schools.

Let me just very briefly talk about Wagner, South Dakota. That was one of the schools whose money was mysteriously lost by the Department of Education. Wagner is a small town, population 1,462, about a 2-hour drive from the largest city in South Dakota.

Now, there are about 780 K through 12 students in the town of Wagner, and they rely heavily on Federal education dollars because many of the students, over 50 percent in fact, live on the nearby Indian reservation.

Now, when Wagner does not get its Federal education dollars, there are very real consequences. This year, using Federal Impact Aid dollars, which is the program that we are discussing here at this point, Wagner is expanding the kindergarten program, adding chemistry and sociology classes in the high school, and hiring four new teachers this year. Real fraud means real pain to real students.

Now, some of the students at Wagner High School sent me a letter, and I would like to read it for my colleagues. Interestingly enough, this was written to the car dealer in Maryland who blew the whistle on this; and had it not been

for him, we maybe never would have discovered this, but it is to the car dealer. The kids at Wagner write this.

It says: ''To the honest car dealer, we are writing to thank you for being an honest and aware individual. Your awareness has helped solve a crime and your honesty has helped us to get the money we have needed for our educational programs. The money we received has helped us to build additional classroom space for the elementary, junior and senior high school. We were badly overcrowded, and this extra space helps make our daily life so much better.

''The money has also been used to provide additional computers and the educational programs we need so that we can have the best education possible. You probably have children and understand how important getting a good education is.

''For this reason, we are very grateful that there are still people in the world who know the difference between right and wrong and choose right.''

It is signed ''Sincerely, students from Wagner Community School in Wagner, South Dakota,'' which I think is a remarkable, remarkable letter in that it acknowledges the honesty and integrity of the gentleman from Maryland, the car dealer who exposed this particular incident, brought it to our attention, and has helped us, I think, get to the bottom of a lot of other issues that are occurring at the Department of Education.

I would just simply add, Mr. Speaker, and say I think what we are talking about here is making sure that the children of this country have the best possible education, that they have the highest standards. I think, unfortunately, what happens in Washington is we tend to dumb down the standards because it is so big and so bureaucratic, and it is easy to lose a few million dollars here and a few million dollars there. Pretty soon we are talking about real money.

I am very proud of the school system in South Dakota. I have two daughters in that school system. But the reason the school system works in South Dakota is because we have local administrators, because we have school boards, because we have teachers, because we have parents who care enough about their children's education to become involved. This sort of thing would not have happened with the local school board in South Dakota.

I have to say again I appreciate the work that both the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) are doing in exposing some of these situations, finding out more about it. The failed audits in 1998 and 1999 I think drew attention to this. Certainly the work that the gentlemen are doing is valuable to the people of this country and, more importantly, to the children who our schools are supposed to serve.

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

Mr. SCHAFFER. I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, here is the quote out of the Ernst and Young report on internal control fiscal year 1999 audit of the Department of Education: ''During testing of grant expenditures for the Impact Aid grant program,'' which is the program that affected the school districts of the gentleman from South Dakota (Mr. THUNE), ''which incurred approximately $1 billion of expenditures during fiscal year 1999, we,'' that is Ernst and Young, ''noted that two individuals were able to process drawdown requests for funds and then subsequently approve their own processing of the drawdown request. Furthermore, we noted that several other individuals performed incompatible functions in the processing of Impact Aid payments. For example, certain individuals have the authority to initiate payment requests, approve payment requests, and subsequently batch the requests and authorize payment by the finance department. Inadequate segregation of duties in sensitive areas such as payment processing can greatly increase the risk of errors or irregularities.''

I guess they are using nicer English here to talk about exactly what went on. But I would guess that errors or irregularities is transferring the payment from the gentleman's two school districts in South Dakota and say let us put them into a bank account, into a personal bank account that we can use to buy SUVs or a Corvette or purchase a house.

But that is what Ernst and Young said in 1999 in their financial audit. The thing that we find is the Department of Education does not respond.

Mr. SCHAFFER. Mr. Speaker, if I can clarify, Ernst and Young was hired by the Department of Education to perform the audit on the Department's books, much like many businesses do around the country today to hire outside auditors to come in and give an objective perspective. This was an audit the Department of Education paid for presumably so they can learn from the result, not only on the financial side of the audit, but the performance side.

What I am hearing the gentleman from Michigan (Mr. HOEKSTRA) say, as what we have heard in the committee before, that the Department of Education actually had predicted, they knew. Go ahead; please clarify.

Mr. HOEKSTRA. Ernst and Young predicted.

Mr. SCHAFFER. Yes, Mr. Speaker, Ernst and Young predicted that the Department of Education had fully been apprised of their possibility that its controls were so lax and insufficient that waste, fraud and abuse could take place in the specific fund that ended up costing the constituents of the gentleman from South Dakota (Mr. THUNE) $2 million. The thieves would have still been carrying on the caper were it not for, not the Department of Education finding this crime, but a sales agent as at a car dealership.

I would like to underscore that for a second, just that whole action, because we spend $40 million a year in the Department of Education on accountants, on auditors, on people who are supposed to oversee the financial transactions of the Department. Their job, $40 million worth of them, their job is to make sure this kind of crime does not take place, to read the audit and put the proper controls in place so that the money gets to the children.

They were warned. They paid for the warning. They paid for the expert advice. They ignored the warnings. The crime took place. Even with $40 million worth of auditors and accountants, they still had no idea. It took a sales agent at a car dealership to find the $2 million that was stolen from the South Dakota schools.

That is why I find it so remarkable and gratifying that the children are writing letters to the proper person in this case. It is not the Department that got the money to the classroom, it was the conscientious car sales agent at the dealership in Maryland, Hyattsville, Maryland if I am not mistaken, who saved the day.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, this is one particular obvious incident that we are looking at here today, and it does become somewhat personal because it was school districts in my State and school districts that are particularly in need of this support. Impact Aid is a program that supports school districts that have a heavy Federal impact in their school districts, in this case Native American populations close to reservations.

□ 1330

But if we extrapolate or expand this, Impact Aid is just one program. It is a program that has worked very effectively and one program that I have supported wholeheartedly to make sure that the resources are there to support our children, but think of all the various programs not only throughout the Department of Education but across all of government across this country, and the enormous potential for waste, fraud and abuse.

This is why when we have these broad philosophical debates in Washington about what to do with Federal surplus dollars, should we spend it in Washington or should we get it back home, this is exactly why we have to get this money out of Washington and back in the hands of the American people.

Furthermore, if we look at it in terms of a principle, again coming

back to decision-making, who really cares about our children? And I think we all agree children ought to be the focus of our educational efforts. They ought to be able to learn in safe, drug-free environments, they ought to have the brightest and best teachers, and they ought to know that there will be standards and accountability. The taxpayers in this country and the parents, who pay the bills, ought to be able to know with some assurance that the dollars they are sending to Washington, D.C. to support education are not being squandered in some enormous bureaucracy, but are actually making it back into the classroom where they are improving the rate of learning for our children.

This is an issue which I just think cries out for change, in the sense that when we look at these issues, whether it is education or any other, that we have to get more of the decision-making and more of the power and more of the money out of Washington and back into the classrooms and back into the living rooms and back into the communities where it can make a difference; where there are local decision-makers who care enough about their kids not to let this sort of thing happen.

Mr. SCHAFFER. Republicans are for decentralized government. We are for strong high-quality schools, we are for well-paid teachers who are well-trained and paid on a professional basis, and we are for money being spent on the priorities that exist in various communities around the country.

The Washington model, the liberal model, the one the Democrats and the President have espoused over in the White House is something very different. Their model is oriented toward building this large Federal bureaucracy here in Washington to make decisions for the whole country. To them, that seems more efficient. And as we are seeing, structurally it just cannot work. A large centralized education authority here in Washington takes power away from locally elected school board members. It takes decision-making away from the classroom teacher, away from the school board members, away from the principals, away from the people who know the children best and understand the priorities of a local community most; the people who can actually name the names of the children in those classrooms.

Those are the people we as Republicans trust, and that is where we want to place the authority and resources, meaning tax dollars. That is our preference. These folks over at the Department of Education are nice people. We have been down there. The gentleman from Michigan (Mr. HOEKSTRA) and I have actually walked down to the office and paid them a personal visit. We went office to office and met a lot of these folks. They are like anybody we know in our neighborhoods. They have the pictures of their kids on their desks, and they have got education systems in their neighborhoods that they care about. But just from a functional perspective, this large bureaucracy charged with trying to manage 50 State education systems, it is just not set up to do it well. It cannot succeed. It just cannot. It is too big, too impersonal, and there are too many moving parts.

There are 760-some-odd Federal programs they try to manage over there, and they manage a $120 billion budget. So when they lose a couple million, they do not notice it. The car dealer has to notice it and the kids notice it, but the Department does not notice it. But I tell my colleagues this. If we can get that money to the local classroom, I know every single principal in my district would notice $2 million missing. I know every school board member elected to manage schools in Colorado would notice $2 million missing. I know every single schoolteacher would notice $2 million missing. But over in the Department, they did not notice. It took the car sales agent to find the guy who was trying to buy a Corvette with the stolen money to notice, a real person who made a big difference for children in South Dakota in this case. And presumably for other children because we are going to crack down on this part of a failed department as well.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I wanted to build off the comments that our friend from South Dakota made in talking about the amount of money that comes to Washington and how Washington responds.

Obviously, the Congress appropriates this money to the executive branch. What this chart points out is that there are nine major agencies or cabinet level offices that cannot get a clean audit. It means that the auditors come in and say that their internal procedures are not good enough to give a high degree of confidence that their reporting in their financial statements accurately reflects what is happening.

The first thing we ought to be really scared about is the one we have listed first, the Treasury Department. Our Treasury Department cannot get a clean audit. We have talked about education. The interesting thing here is that neither Treasury nor Education can get a clean audit, and one of the problems that we have highlighted in the education department is that they have the authority to write checks and at the end of the month, when they check what they have written against what the Treasury Department has reported as being cashed, they cannot reconcile these two numbers. So we have two major departments, Treasury and Education, which cannot get clean audits.

The Justice Department cannot get a clean audit, the Defense Department cannot get a clean audit, the Agriculture Department cannot get a clean audit, EPA, HUD, OPM, and AID. None of these agencies can get clean audits. And we know by the work we have done by taking a close look at the Department of Education, when these agencies cannot get a clean audit, they are creating an environment that is ripe for waste, fraud and abuse. We have found all of that within the Department of Education.

And I think as the gentleman from South Dakota mentioned, real problems and real mistakes impact real people. In this case, the fraud within the Department of Education impacts young people in some of the neediest schools in the country.

Mr. SCHAFFER. The Clinton-Gore administration knew that they had this problem years ago. In fact, it was the Vice President who put together a report back in 1993 called the National Performance Review report. Here it is right here. Does the gentleman have the famous quote highlighted here, by chance?

Well, somewhere in this document, this nice shiny document that apparently the Department of Education never opened up, is this quote, and remember this is a quote from the report published by the Vice President, it 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.''

That is what the Vice President said in this report evaluating just what the gentleman from Michigan had highlighted. The problems that plagued the Clinton-Gore administration's whole management style back in 1993 still exists today. In fact, it is worse. It has gotten worse over time.

Mr. HOEKSTRA. If the gentleman will yield, there are a couple of other quotes the Vice President wrote in his reinvention booklet here. Remember, now, he is talking about a department that has failed its 1998 audit, failed its 1999 audits, and has projected it will fail its next three audits. ''The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national education reform, Ed must refashion and revitalize its programs, management, and systems. AL GORE, Report of the National Performance Review.'' And it is dated not 2000, but ''AL GORE, 1993.''

Another quote: ''The Department is redesigning its core financial management systems to ensure that data from accounting, grants, contracts, payments and other systems are integrated into a single system. AL GORE, Report of the National Performance Review, 1993.'' The end result is that we are now in the year 2000, the Department of Education is still failing its

audits, and the litany of waste, fraud and abuse within this department is getting to be an embarrassment to the department and actually an embarrassment to the executive branch.

Mr. THUNE. Not only is it an embarrassment obviously to the government, I think it ought to be an embarrassment to the taxpayers. And ultimately that is what we are talking about here, the taxpayers, the people who are paying the bills here. The people who pay the freight in this country are the people who are hurt the most.

I come back to the point that in this particular case we are talking about waste, fraud and abuse as it applies to a couple of school districts in my State of South Dakota, but waste, fraud and abuse means real pain to real students. Unless we can refashion and reshape these agencies of government in a way that makes them responsive to the people that they are there to serve, we will continue, I think, to uncover incidents just like this one.

And, again, thankfully, there was a car dealer in Maryland who had the courage to recognize this incident and contact the appropriate authorities. Because, frankly, had it not been for that, who knows. Really, who knows if this ever would have been discovered. Because the Department of Education, when the shortfall became evident in the State of South Dakota in the two school districts, after a period of time, and in one school district a protracted period of time, but they just issued a new check. They just cut a new check. Hey, it is no big deal, we will just get a little more money here and we will take care of it. But that is the problem, again, when there is no accountability. And what this cries out for is higher standards and more accountability.

And, really, it does start at the top. I appreciate all the studies that have been done, the Vice President's study back in 1993; but here we are in the year 2000, and leadership on issues like this really starts at the top, from the top all the way down through all the respective agencies. I am sure the gentlemen will find, as they continue to research the Department of Education, more incidents, more examples of waste, fraud and abuse. And certainly from the standpoint of the taxpayers, it is not a good return and it does not do anything to help the children of this country to have the taxpayers send almost $40 billion a year, that is with a B, $40 billion to Washington with the intention that those dollars are going to be used in some fashion to help improve the rate of learning of children in this country only to find examples like this, and the others that the gentlemen have noted and that throughout their research continue to crop up. This only continues to build the cynicism and the mistrust and everything else that exists in our culture today about the Federal Government, and that is truly unfortunate.

These are embarrassing examples not only for the agencies of government who are responsible and have the taxpayers' trust and are the stewards of those dollars; but, more importantly, these are embarrassing to the people who pay the bills in this country. If we want to build trust and confidence in the government, we cannot have these sort of things happening.

Again, in my judgment, what it does is it just points to the need to make sure that we do our job as a Congress in terms of oversight; and, secondly, to make sure that the Federal dollars that come in here are used efficiently and that we do everything we can to get them back out of Washington, back where decisions are made locally, back where decisions are made by people who care about their communities and their children.

As the gentleman mentioned, I am sure they are very well-intentioned people and good people at the Department of Education here in Washington, and they care about their children. But the reality is parents, communities, and teachers care a lot more about the children when they know their names, when they have the personal contact. And that is where the decision-making, that is where the authority, and that is where the power and resources ought to be focused, not in a Washington bureaucracy.

Mr. SCHAFFER. I have actually had superintendents of schools and school board members and principals who tell me not to spend another dime on that agency until we get it cleaned up and until we get that financial disaster corrected. They need the money. They want the dollars in the classrooms. But they also realize that when there is a Department of Education that is hemorrhaging cash to the extent that it is today, that it serves no one well to continue to feed more money into this machine that loses cash, has it stolen, has it squandered, cannot account for it, and, in the end, gets a fraction of the money back to children.

We have talked about the example of the $2 million that was stolen out of the department from the children in South Dakota and used to buy cars. I would point out the thieves in this case actually did buy two cars. It was the third dealer that they went to to buy another car that realized there was a crime going on and turned them in. But my point is, this is more than a suggestion that there is a potential for more waste, fraud and abuse. We have lots of other examples, and I will go through a couple more here in the next minute or so, but I would yield to the gentleman from Michigan.

Mr. HOEKSTRA. Well, I just wanted to mention that not only did they buy cars, they bought a Lincoln Navigator, a Cadillac Escalante, they bought a house, and they were going to try to actually buy a Corvette. So it is interesting.

I was going to say we have to get to this before our time is up. We ought to go through some of these other cases of abuse, but we should also talk about what is actually happening with our kids.

□ 1345

There is a lot of information out there. Our kids are not testing well when we compare them to international standards.

It is kind of interesting. A number of the newspapers have been running an ad this week saying we are lucky this is not the Olympic scores, and they list 21 countries and the U.S. is 18. What it is is on educational achievement, on the third international math and science study. And it is disheartening. Not enough of our kids are testing at proficiency grade level.

The fastest growing program in our colleges today, we had a hearing today on overseas studies programs, that is not the fastest growing program on college campuses today. The fastest growing program on college campuses today is remedial education, taking kids who have graduated from high school, but cannot perform at basic levels in reading, writing and math so they get in college and they have the colleges and the universities to do remediation.

But that is the problem and that is the sad part here is that we have got a Department of Education with all the kinds of problems that we have outlined and at the same time we are leaving too many kids behind.

And so, if the gentleman wants to take a look at some of the other examples of waste, fraud and abuse, we can do that.

Mr. SCHAFFER. Mr. Speaker, one other example that we investigated in the Subcommittee on Oversight and Investigations was a theft ring involving collaboration between outside contractors and the Department of Education employees who operated this theft ring for at least 3 years, starting in 1997; and we finally caught it almost in 2000.

They stole more than $300,000 worth of electronic equipment. They stole computers. They stole television sets. They stole VCRs. They stole phone equipment. They stole all kinds of electronic computer equipment and so on. And they also collected more than $600,000 in false overtime claims.

So we had people in the Department of Education who were signing these work vouchers for some pseudo contractors outside of the Department of Education so that they were getting paid for work that they did not do. Except in one case, in this particular example, the manager in the Department of Education actually sent an employee out to go out to Maryland to pick up

crabcakes and bill that to the taxpayers of America.

It is just mind boggling. Here is how it worked: The Department of Education employee charged with overseeing these outside contractors would order equipment through the contractor and these were funds that were paid for, equipment that was paid for by the Department of Education, and they would have it delivered by a complicit contract employee, she had it delivered to her house and to her friends' houses.

And the contract employee also did these personal errands. I mentioned the crab cakes that this contract employee ran out to buy and bring back so she could eat them for lunch. And, in return, she signed off on these false weekends and holiday hours that were never worked. And that was paid for by the children of America. That is where the money went.

Money that we want to get to classrooms, money we Republicans think children could use, instead was going to pay almost $600,000 worth of false overtime hours and bills and these projects where they run out and buy crab cakes for themselves.

This theft ring is still under investigation by the Justice Department. There are several who were investigated who signed guilty pleas, and seven Department of Education employees have been suspended indefinitely without pay pending the final outcome of this probe. And there are more examples.

Mr. HOEKSTRA. Mr. Speaker, if we just go through them quickly:

The Department of Education, September 1999, prints 3.5 million financial aid forms. One problem, they printed them incorrectly. It cost the American taxpayer $720,000.

There is one that we call ''dead and loving it.'' The Department of Education improperly discharged almost $77 million in student loans. We have a policy in place that, if a person, a borrower, dies or they become disabled, their loans are forgiven them. In this case, we forgave $77 million of student loans.

Even better news for these young people is that they were not dead and they were not disabled. We just forgave them the loan improperly.

This again, where we talk about I think what we saw in South Dakota, this affects real people. Thirty-nine students were selected to receive the Jacob Javits Fellowship. This is an award given to students that are graduating from undergrad that the Federal Government agrees to pay for 4 years of graduate schoolwork for them.

Having a daughter that is just going to college, I can imagine how excited the parents would be that the tuition is covered. I can imagine how excited the student would be, and I can also imagine how excited her friends and also her academic institution would be for that kind of recognition.

The good news is we had 39 winners. The bad news is the Department of Education notified the wrong 39 young people and said, you are the winners, and 2 days later they had to call back and say, sorry, we got it wrong; you did not win.

That was February of 2000.

This year alone, the Department of Education has issued over $150 million in what I think my colleague was talking about earlier, duplicate payments. We pay you once. We pay you twice. And that is the $150 million of the contractors who have notified us or that the Department of Education caught. Who knows how much they have not caught.

Mr. SCHAFFER. So this is, the Department, I mentioned this before, sends duplicate payments for the same expenditures. It would be like your employer sending you two paychecks for the same month.

Mr. HOEKSTRA. Absolutely, and maybe knowing it and maybe not knowing it.

Student financial programs are annually cited. And while we are talking about real money, this is now talking 70 to 80 billion dollars of loan portfolios that they manage.

The General Accounting Office calls these high-risk programs most susceptible to waste, fraud, and abuse. And what do we know when outside experts come in and highlight these programs? They are right.

Ernst & Young says the $40 billion that you spend is right for waste, fraud, and abuse. We have got a long list of it. Now GAO comes in and says your loan programs are high risk for waste, fraud, and abuse. And we have got all kinds of examples in that area, as well, and it gets to be real money at a time when we really ought to be focusing on getting those dollars into a classroom.

Mr. THUNE. Mr. Speaker, I would just simply add, Mr. Speaker, to what my colleagues have said here in the sense that a lot of these dollars in these various programs, I am sure there are people who appreciate it. The people who have gotten their loans forgiven are probably real happy about this and the people who got the double payments that are being made out there. I mean, there are some beneficiaries of all this waste, fraud and abuse I am sure. But the people who are paying for it are the people who are supposed to be served by the programs and the taxpayers of this country whose dollars they are in the first place and who have high expectations about what their Government ought to be in terms of being responsible and efficient in the use of those tax dollars.

I know my colleagues are focusing on education. We had in the Committee on Agriculture the other day, and I am not on this subcommittee, but the Committee on Oversight and Investigations had a hearing. The agency or division within the Department of Agriculture that is responsible for the CRP program came up to the Committee on Agriculture to explain how $20 million had been spent on a mural on a garage and on providing bus transportation for people to attend Sierra Club meetings.

Now, when questioned about that, how could you use those dollars in that fashion, the answer was, well, we have very broad authorities and that is a justifiable, legitimate use of taxpayer dollars.

I do not know about my colleagues, and irrespective of what they think about one organization or another, providing federally subsidized transportation to go to a Sierra Club meeting or any other club meeting seems to me to be a little bit outside of what people would expect in terms of taxpayers and the use of their tax dollars in this country.

And so, I just use that again. My colleagues are talking about educational issues and the Department of Education and clearly they have a very, very long record and have accumulated tremendous amount of evidence of the waste, fraud, and abuse that occurs there.

But as the gentleman from Michigan (Mr. HOEKSTRA) noted earlier with his chart, many other agencies of Government fail their audits, as well. And this is another example, another department of Government, a program, the Conservation Reserve Program, which is designed to benefit producers in this country and to further protect the environment, add to wildlife production and other things that is designed specifically with a purpose in mind, those dollars are being misdirected in a way that I think is totally inconsistent with the purpose and totally inconsistent with what is right with the taxpayers.

Mr. SCHAFFER. Mr. Speaker, I would submit and I know my colleague would agree that it all relates. It is all the same from a taxpayer's perspective. Back home in Ft. Collins, Colorado or Pierce, South Dakota or Holland, Michigan they are sending their money to Government. That is all they know. They are not saying an education tax, an agriculture tax, a defense tax. They are just paying taxes, almost half their income; and they expect that somebody here in Washington is going to object for the $20 million mural in the Department of Education. Because what every American knows is that they prefer to have that money spent on their children and schools.

So whether it is waste in the one department or any of the nine agencies that cannot even tell us how they spend their money because they fail their audits and do not do it well, from a taxpayer's perspective, they know

what real priorities are in America: defending the country, educating our children, keeping the roads in operable condition, and things of that sort that are real priorities for the country.

I think we owe it to taxpayers. As Republicans, I think taxpayers rely on us to expose this kind of waste, fraud and abuse whether it is in the Department of Education, Department of Agriculture, or whether it is the million-dollar outhouses that the U.S. Park Service built out in some national park. All of these things should not go unnoticed.

I think it is the more honest approach that we have joined forces as a Republican majority to tell the truth about this waste, to expose it, to talk about it, to begin to fix these problems. Because our message is positive. We want to get resources to the top priority where they are needed most. We disagree with our Democrat colleagues who say these are problems but let us just spend more so we do not notice.

No. People work too hard for that money. It should not be wasted and squandered in accordance with these examples that we have spoken about today. Our positive agenda is to spend money wisely and to be prudent and responsible with somebody else's money, in this case the money that is taxed and sent to the Federal Government by way of tax revenues.

Mr. HOEKSTRA. Mr. Speaker, when we take a look at it again, when we see the waste fraud and abuse, I mean, it is really scary. But then it also gets to be scary when we take a look at some of the places where we consciously make the decision to spend the money.

My colleague, the gentleman from South Dakota (Mr. THUNE), talked about the mural. Somebody in Federal Government made the conscious decision that spending $20 million of taxpayer money in that area was a good idea. Someone also made the decision consciously that taking people and busing them to these events was a good use of taxpayer money.

The Department of Education's closed captioning. We pay for this. We can watch The Young and the Restless; The Bold and the Beautiful, I never heard of that one; Days of our Lives; Sunset Beach; Men in Tool Belts; the New Maury Povich Show; Dukes of Hazard; Bewitched; Gomer Pyle; Dynasty; WKRP in Cincinnati. The Federal Government is paying for closed captioning, all of those programs, to the tune of almost $9 million dollars.

At the same time, we recognize that a lot of our kids are not reading by third grade, they are not reading by fourth grade, they are not reading by fifth grade. But we are doing these types of things, and it really is time, I think, for us not only to wipe out the waste, fraud and abuse but to take the dollars and focus them on the programs and the efforts that will make the biggest difference.

Mr. SCHAFFER. Mr. Speaker, that has been our objective here in Congress as a Republican majority is to chop this waste, fraud and abuse out of Federal agencies to begin to consolidate programs so that we can send money back to the States in larger chunks with fewer moving parts so that there is more accountability and we involve more local leaders in the disbursement of those funds.

In that way we really are not talking about spending more money on education per child but spending less over time in what is budgeted for all this wasted money that takes place here under the Clinton administration. And so, it is a positive message that we are about, it is a proactive agenda that we are trying to unfold here in Washington. It is a different agenda which our Democrat friends and the Clinton-Gore administration have presided over for the last 8 years.

□ 1400

In their own words, it could not be made any clearer by the Vice President himself when he said, 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.

They knew that back in 1993 when they printed this. They knew that 2 years ago when Ernst & Young did the audit of the Department of Education and warned the Department of Education that there was a potential for theft to take place in the Impact Aid funds; but in all cases they were too busy trying to persuade Americans that they were not paying enough taxes and did not spend enough time making the government more efficient, and in this case and in several other cases, the children of America suffer.

We want to end the suffering. We want to end this burden of waste, fraud and abuse that has been perpetrated upon the American people. We want a brighter day for education of American students, where dollars are spent wisely, dollars get to the classroom, and Americans have their confidence restored in how their Federal Government works.

Mr. HOEKSTRA. I think we ought to take a little bit of time talking about where we are with kids. We know our kids are not tested enough, but we also have proposals to fix these problems. We have a series of objectives that say here is what we would like to do. We have got a program called Dollars to the Classroom. It says we want to get 95 cents of every Federal education dollar back into a local classroom. We have got Ed-Flex. What is Ed-Flex? What Ed-Flex says is we know that as we have gone around America with our project called Education at a Crossroads, the States have consistently come back and said, we get 6 to 7 percent of our money from Washington; we get 50 percent of our paperwork. Ed-Flex says we are going to allow school districts and States to eliminate part of the bureaucratic nightmare that we have imposed on them.

We have a program which we call Straight A's. So we are going to get more dollars into the classroom, we are going to get rid of the red tape, and then what we are saying is we are going to allow you more discretion so that in a school district in Colorado, if they need to buy technology, they can go out and buy computers. But if a school district in my area of west Michigan says we really want to do teacher training, they can take those dollars and use the dollars for teacher training, so that we recognize that the needs of west Michigan are very different than the needs of Colorado or South Dakota, so we are going to give school districts flexibility.

The other thing that we want to do is we want to fully fund our commitment to the Individuals With Disabilities Education Act. The Federal Government committed to paying 40 percent of this mandate that was placed on our local school districts. I think this year we are going to be all the way up to a high, and that is under a Republican Congress, the other side was never able to achieve this kind of funding for IDEA, we are paying 13 percent. But that means, the other part of that mandate, the other 27 percent which we committed to pay now has to come out of a local school district's taxes. What we need to do is we need to fully fund our commitment and when we do that, we will free up local dollars to use for school construction, hiring teachers, technology, other improvements, what they believe their kids need.

Mr. SCHAFFER. We tried, you and I tried and others, the more conservative Members of Congress tried to actually put more money into that unfunded Federal mandate because we know it frees up local districts to provide pay raises for teachers, to build new classrooms, to invest in the technology. We offered amendment after amendment here on the House floor when the appropriations bill was here to beef up the funding for the Individuals With Disabilities Education Act; but AL GORE and Bill Clinton, they did not help us, they were not interested. In fact, their budget opposes what we want to accomplish with fully funding the Individuals With Disabilities Education Act.

I am hopeful and optimistic that we are on the threshold of perhaps a new day over in the White House with a new kind of leadership that really understands education funding is about real people, real children. When the Department loses funds or squanders resources or mismanages programs, there are real Americans who suffer and suffer mightily as a result of that kind of

mismanagement, and it is the same kind of mismanagement that the White House even wrote books about in 1993. It is a tragedy that they failed to follow their own advice, clean up the waste, fraud and abuse in the Department, get money to the classroom. They have had 8 years to work on it, they have squandered their opportunity, they cannot do it. We will.

Mr. HOEKSTRA. Creating a Government That Works Better and Costs Less, Report of the National Performance Review.

We can speak from experience that the redesign or the reinvention of the Education Department has been a failure. AL GORE dropped the ball at the Department of Education. The American taxpayer is paying for this. More importantly, America's children are paying the price for this failure of reinvention at the Department of Education. It was promised us in 1993 and the conditions are as bad if not worse in the year 2000 than what they were in 1993.

PIPELINE SAFETY LEGISLATION AND THE LONGHORN PARTNERS PIPELINE

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

Mr. GREEN of Texas. Mr. Speaker, before the end of the 106th Congress, I am hopeful to be able to pass a comprehensive pipeline safety bill. On September 7, the Senate unanimously passed the Pipeline Safety Improvement Act of 2000. This bill is tough and has many public safety provisions. For example, the daily penalty for a violation of regulations increases from $25,000 a day to $500,000 a day. In addition, pipeline companies must now report spills in excess of five gallons as opposed to 50 barrels or 2,100 gallons under current law.

Other provisions in this bill require pipeline companies to have a detailed pipeline integrity plan as well as mandating stronger training and qualification requirements. The bill also strengthens the public's right to know and provides whistle-blower protections for pipeline employees.

I believe this bill is a good start. Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year. I look forward to working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even more legislation, stronger legislation next year. Pipelines have been shown to be a much safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I have also been working with several of my Texas colleagues and colleagues in the southwestern United States to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas.

This pipeline is intended to carry refined petroleum production from Houston to southwest markets of the United States in El Paso and Midland/Odessa and hopefully beyond. After much delay, the Federal Government now seems to be willing to move forward in the process. George Frampton, chair of the Council on Environmental Quality, has recommended the EPA and the Department of Transportation to include the analysis of the Longhorn Pipeline project by finishing the environmental assessment.

The many studies and analyses conducted by the Federal Government indicate that the extensive mitigation plan supports this action. The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water could be affected.

The Longhorn Pipeline meets or exceeds current statutory, regulatory and industry standards. The pipeline would be the safest in the history of the United States. I do not make this statement lightly. For instance, the mitigation measures are adjusted along the route of the pipeline based on the sensitivity of the area. The route was divided into approximately 8,000 segments, and the relative sensitivity at each segment was determined based on factors including the proximity to population centers, drinking water supplies, and protected species habitat.

I cannot begin to understand why the Federal Government has taken this long, and to have made such a difficult process in the regulatory lag is amazing. We still have time to salvage the good intentions and still have the success that was started with this process. But we need to act now. I say we, the Federal Government. Since Longhorn filed for the pipeline conversion in 1997, two other previous crude-oil-conversion-to-refined-products pipelines are up and running. I repeat, they are up and running with not the mitigation measures that are part of this Longhorn Pipeline.

If we are interested in pipeline safety, we need to encourage pipeline companies to establish mitigation measures such as these. Working together, we can ensure that pipelines remain a viable transportation means while maintaining and improving public safety.

SERVING THE SAN DIEGO COMMUNITY

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 recognize the 86 years of service given to the San Diego community by the Neighborhood House Association and at the same time the 35th anniversary of Head Start, both nationwide and at this location.

Neighborhood House is a multipurpose social service agency whose goal is to improve the quality of life of the people served. It is one of the largest nonprofit organizations in San Diego, reaching more than 300,000 San Diego residents with its programs. Since Dr. Howard Carey assumed leadership as president and chief executive officer in 1972, Neighborhood House has grown from a budget of $400,000 and a staff of 35 to the current budget of approximately $50 million with 800 employees. Among the most important of the services of Neighborhood House is Head Start, and the 35th anniversary of Head Start is being recognized at a Gala 2000 event by the Neighborhood House Association on November 17, 2000.

As we all know, Head Start is the most successful federally funded program for children that has been created. It has touched the lives of tens of thousands of low-income preschool children and their families. The Neighborhood House Head Start serves 7,000 preschoolers and their families in 77 centers, the largest San Diego Head Start program. And plans are in place to provide for over 11,000 children to be reached in over 130 centers.

Mr. Speaker, Head Start and the Neighborhood House are in the business of helping people to help themselves. They strive for permanent changes, and long-term self-sufficiency is their goal. On the occasion of the Neighborhood House Association's Gala 2000, I am honored to congratulate both Head Start and the Neighborhood House for their many contributions to the children and families of San Diego.

PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, we have just witnessed last night the first of the presidential debates between the candidates of the two major parties. After a great deal of wrangling, I was pleased to see that Governor Bush agreed to the debate commission's recommendations and has agreed to share the platform. I think it is important that we are now turning to issues that confront the American public. Unfortunately, sometimes with the barrage of

issue ads that we see and at times conflicting claims, I can understand how the American public can be confused about what the actual truth may be in a particular area. But I will tell you in the areas that relate to the environment, there is really no excuse for confusion. The differences could not be clearer between the two political parties and the two major candidates.

We wanted to take a few minutes this afternoon to address those issues of the environment, where people stand and what difference it makes for the American public. I am honored to be joined in this discussion this afternoon by the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, a gentleman whose legacy in terms of protecting the environment, dealing with natural resources, fighting against pollution, leadership on a wide variety of issues is unparalleled.

Mr. Speaker, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman very much for yielding, and I thank him for taking this time that we might have an opportunity to discuss both the environmental challenges that are presented in this election season and by this Congress and by the differences between Governor Bush and Vice President GORE.

I, as many Americans last night, was shocked when, although I guess we should not have been surprised but shocked when Governor Bush suggested that the way out of our energy crisis was to simply drill in the Arctic National Wildlife Refuge and that would in fact solve the problem.

□ 1415

As was correctly pointed out by Vice President GORE, if you simply do that, you do nothing but add a couple of months of oil supply to the total consumption of the United States, but you have done nothing on the other side, which is consumption, conservation, new technologies, all of which are necessary if we are going to use these oil resources in a wise fashion.

It is unfortunate that the first thing that Governor Bush would suggest to the American public is that we ought to, in fact, treat the Arctic National Wildlife Refuge much as we would an oil field in East Texas. There is a world of difference between those two, and perhaps Governor Bush does not understand that.

But the Arctic Wildlife Refuge is not just that. It is a refuge for wildlife, of caribou and other species, that are greatly threatened by additional development in the Arctic, and it is important that we understand that, because I think, again, as Vice President GORE pointed out, you need not destroy our environment to improve the energy situation in this country.

We know that there are all kinds of additional energy efficiencies, whether it is the insulation of our home, whether it is the improved efficiency of the generators of electricity around this country, as we are replacing old and worn out generators, whether it is the improvement of the gas mileage of our automobiles.

This Congress, the Republican Congress, has stalled year after year the consideration of improving the gas mileage of automobiles. So now where do we find ourselves? We find ourselves, essentially, where the fleet averages are going backwards to where they were in the 1970s, and now we see once again we are threatened with competition by foreign auto makers introducing hybrid cars, racing ahead on fuel cells.

We know that 70 percent of all the energy that is imported into this country is used for transportation, so to continue to waste it on the highways is a tragedy, and especially when people now are forced into paying, because of the cartel in the Middle East and the big oil companies in this country, are forced to pay in excess of $2 a gallon. I bet most Americans wish that this Republican Congress had not kept us from reviewing those mileage standards, so that if they are going to have to pay $2 a gallon, they might get 30 or 40 miles a gallon, as opposed to 19 or 20 miles per gallon.

I think it is an important distinction, because I think it highlights the rather cavalier attitude of Governor Bush toward the environment. It is out of step with the American public. It is clearly out of step with the American public's desire to protect the environment, to clean up the environment where it has been polluted, and to keep it from being polluted where it has not happened.

Clearly an overwhelming majority of Americans want to expand our National Park System and to protect the National Park System. They want to increase the public lands that are available to them and their families and their communities, whether those are neighborhood parks, city parks, regional parks or State park systems.

In the State of California, where I come from, the State park system is oversubscribed on every holiday, on every weekend, by people who want to take their families out and enjoy that kind of experience. They want to protect the farmlands in our growing communities so there will be open space, so there will be an opportunity to protect the habitat of endangered species, so that they can use open lands to buffer the dramatic growth that has taken place in so many of our suburban communities.

That is what the American public has said they want, and they have said that over and over and over again. Yet what we have seen in the agenda of the Republicans on the Committee on Resources on which I sit and in this House is to constantly attack the underlying basic national laws in this country that provide for the protection of the environment, the laws of the Clean Water Act, of the Clean Air Act, of the Superfund law, of the Endangered Species Act.

Time and again in the Committee on Resources, the gentleman does not sit on the Committee on Resources, he sits on the Committee on Transportation and Infrastructure, and I think he has some similar actions that take place there, but we see constant attempts to try to override the Endangered Species Act, to try to approve projects without the consideration of the impact on the species. Yet we know that in all of the polling data, which is an indication of the American public's attitude, that 80 percent of Americans agree that protecting land, water and wildlife and other natural resources is extremely important to them and two-thirds of them believe that the Federal Government, the Federal Government, should in fact be doing more to protect our forest resources, to protect our wilderness resources, to protect the national parks and the public lands of this Nation. In fact, they go so far as to suggest they would like the Federal Government to create more of these opportunities within our society.

The gentleman from Oregon has been a leader in trying to explain that. As the Vice President pointed out last night, this is not about having to ruin one value in America to achieve another value. We would like energy independence, we would like energy efficiency, we want to make sure that we can meet the demands of our economy, but we do not have to destroy the environment in the process.

So I thank the gentleman at this time for taking this time, and I want to yield back to him so he can participate. I see we have been joined by our colleague from Maine (Mr. ALLEN).

But I want to point out that last night, to hear that that was the single strategy of Governor Bush to answer the energy question, was simply drill more, and to suggest that somehow we have not been drilling in the past, the hottest drilling area in the world is not in Russia, it is not in China, it is not in Indonesia; it is in deep water off of the coast of the Gulf Coast of the United States of America. People have been drilling here.

But it is the manner in which we have been wasting the resources. We have been wasting the resources, and we now say we are going to invade the Arctic National Wildlife Refuge in some desperate attempt to achieve energy independence. We ought to achieve energy independence, and the gentleman knows more about this and I would hope he comments on this. If 70 percent of the imported oil in this

country is going into transport, that tells you that maybe where you want to start thinking about the problem is with the automobile, to make it more efficient, to do some of the things the gentleman has talked about that have not come to pass, unfortunately, in this Congress, in terms of mass transit, in terms of the design of our communities, in terms of making them transportation-friendly to various options, whether they are trains or mass transit or buses or car pooling, these kinds of arrangements. Then you really send a message to the sheiks in the Middle East, if you will, who are running the cartel, that their market is not going to be as great because we are going to stop the waste of that energy.

I thank the gentleman for yielding, and will ask him to yield later in this special order.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments, and I think he hit the nail right on the head. What Vice President Gore and the Democrats in Congress have been advocating is giving the American public choices. We right now have 3 or 4 percent of the world's oil reserves. We are consuming currently 25 percent.

The gentleman rightly catalogued the efforts on the part of this Congress, Republicans, to stop us from moving forward; cutting back on energy conservation, avoiding opportunities to reinstate and even study the impact of energy efficiency in vehicles across the fleet. As the gentleman points out, it goes in the wrong direction.

It is important that we give the American public choices. If the American public had realistic choices two times a week to take mass transit, to car pool, to be able to telecommute, having the opportunity, other than just being in their own car commuting by themselves, we would not have to import any oil. But, again, Governor Bush has no initiatives in this area, and our friends in Congress have been cutting back on solid initiatives that have been advanced in the past.

I appreciate the gentleman focusing on this notion of just simply drilling in the Arctic National Wildlife Reserve. This, of course, is opposed by the overwhelming majority of the American public, even in these times of scarce energy availability. They know that opening this portion is not only an environmental threat, but it just prolongs the ultimate solution that we have. It is, at most, a 6-month supply of oil, and it would take up to 10 years for us to be able to bring that oil to market. Threatening the Arctic Reserve for something that is not going to make a difference in this crisis or the next crisis is an example of a failed one-dimensional approach from Governor Bush.

We are going to talk more, because in fact that is not unlike some of the problems that he has with his own environmental legacy in Texas.

Before elaborating on that, I did want to be able to turn, if I could, to our colleague, the gentleman from Maine (Mr. ALLEN), from the other Portland. The gentleman from Maine (Mr. ALLEN) has developed legislation, for instance, to help clean up pollution from aging power plants. He has introduced two bills to curb air pollution, the Clean Power Plant Act and the Omnibus Mercury Emissions Reduction Act. He has been a leader as a local official, the mayor of Portland, Maine, and in his work here in Congress, not just for dealing with things like prescription drugs, but working to make sure that Americans have the quality of life that they want and they deserve.

It is my great honor to yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

I have to say I am pleased we are doing this special order, because watching the debate last night, there was a striking and clear difference between AL GORE and George W. Bush on these environmental issues. In fact, just to turn for a moment back to the energy issues that the gentleman and the gentleman from California (Mr. MILLER) were discussing, if you pay attention to what has been in the news over the last several months, we had the news that the North Pole was open water, a dramatic development. The ice cap there had melted temporarily during the summer. The North Pole was no longer ice, it was water. We have also in the last few days seen news that the hole in the ozone layer over the Antarctic is now as big as it has ever been. Yet when it comes to deciding how to deal with this energy crisis, the first thing out of Governor Bush's mouth is we need to do more drilling, which means we need to have more oil, burn more oil.

Though we do, as AL GORE pointed out last night, we should bring more marginal wells into production. That is a short-term solution. There is also no reason not to proceed to make sure that we are doing energy conservation, that we are doing renewable technologies. We are looking at solar and other technologies like that, and are really moving ahead on that front.

Mr. Speaker, the basic point is this: What makes good sense for an energy policy is what makes good sense for an anti-pollution policy. As the gentleman mentioned, and I want to thank him for his leadership on these issues, I do have legislation, H.R. 2980, the Clean Power Plant Act of 1999, that would bring all of these old grandfathered plants, grandfathered under the Clean Air Act and the Clean Air Act amendments, it would bring them up to new source emission standards.

Well, what does all that mean? It turns out that these old coal- and oil-fired power plants are still major polluters in this country, and they produce nitrogen oxides, which contribute to ozone depletion and produce smog; they produce sulfur dioxide, which is a component of acid rain; they produce mercury, which poisons our waters and gets into the food chain in our lakes and streams and has led to warnings in 40 States across the country that pregnant women and children should not be eating fresh water fish; and it produces the major greenhouse gas, which is carbon dioxide. In fact, 33 to 40 percent of all the man-made carbon dioxide emissions in this country come from these old coal- and oil-fired power plants.

What we need to do is, and the technology is there, this is relatively easy stuff if you have the political will to do it, what we need to do is make sure that we are taking steps toward bringing all these power plants and other industrial plants, which I will speak about in a moment, up to new source emissions standards. Let us use the latest technology. Let us have cleaner air and let us burn less fuel.

If you turn to Texas, the record there for Governor Bush is a very different record. In fact, the Texas Air Crisis Campaign has just put out a press release indicating that in the 1999 session of the Texas legislature, an effort to mandate reductions from grandfathered industrial plants in Texas was headed off when the Governor's office asked industry representatives to draft a voluntary plan in which these grandfathered facilities could come up with voluntary cleanup plans. But now the data shows that in the past year the actual reduction in pollution is three-tenths of one percent of the total emissions from the plant.

□ 1430

There is a dispute with a Texas natural resources conservation commission. They say it is all the way up to 3 percent, but they are taking into account future reductions. The bottom line is this: the record that Governor Bush has in Texas on controlling pollution is appalling. It is appalling. And the data is here for anyone who wants to look at that record.

If it is any indication of what he would do in Texas is what he would do for this country, we all have reason to be worried when it comes to the environment.

Mr. BLUMENAUER. Mr. Speaker, we have been joined by our colleague, the gentleman from Massachusetts (Mr. MARKEY), an admitted expert in this area. Perhaps if the gentleman would like to comment on it since this has been an area of his expertise for years.

Mr. MARKEY. Mr. Speaker, I was listening to this discussion, and it occurred to me that if we just go back over the last 6 years, that is from the moment of which the Republican party took over the United States Congress, there has not been a discussion about

what more can be done for the environment. The real issue was how can we do less?

I mean, their goal was to turn EPA from standing for the Environmental Protection Agency into Ever Polluters Ally. I mean they wanted to change Superfund so we played the polluters, rather than the polluters playing the American people for spoiling our natural resources.

And now as we hit this campaign year, the year 2000, GOP it used to stand for Grand Old Party; but now it stands for the Gas and Oil Party. They do not propose to first ensure that we have more efficient society, that we bring out the waste that exists within the United States and the world in terms of our consumption of oil. Their first idea is let us go to the most pristine part of the entire country, the Arctic natural refuge area and to begin drilling, even though they still have not even begun to tap all the rest of Alaska in terms of its oil production capacity.

It is a ruse, in other words. They take every crisis not as an opportunity to explain to America how we can use these natural resources more efficiently, but rather how can we now take the most precious part of the natural resources we have in the country, in the Arctic, in these refuge areas, and begin drilling there as well? They say, well, all we will leave is human footprints there.

I do not know why these environmentalists are concerned. But the truth is that they have left a footprint over in Prudhoe Bay, and it is a human footprint indeed; but it is an industrial footprint of despoliation of the environment in that area. There has been no real protection given to the environment.

Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for bringing this issue up at this point, because I think it is central to the consideration of the American people, in terms of which direction they want our country to go in at this central point in our country's history.

I think last night we learned that the first thing the oil industry wants to do is go to the Arctic and to take this precious land and to begin the same process that they have already undertaken in Prudoe Bay, and I think that would be a historic mistake.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the comments of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Maine (Mr. ALLEN) talking about the shift that has taken place. The gentleman from Maine (Mr. ALLEN) was concerned about being able to move forward in dealing with these power plants that have not been complying with the Clean Air Act.

In Texas, they are proud of a voluntary approach. They have hundreds of these old plants that are not in compliance, and this voluntary approach has resulted in a few dozen coming into compliance. It is an abject failure, and I think it would be absolutely a disaster were that approach applied here on a national level.

Mr. Speaker, we have been joined by my colleague, the gentleman from Maryland (Mr. CARDIN), a leader in areas that range from bicycles to energy conservation. The gentleman from Maryland is a distinguished member of the Committee on Ways and Means. I am privileged to yield to the gentleman.

Mr. CARDIN. First, let me thank the gentleman from Oregon (Mr. BLUMENAUER) for holding this special order. I think this is an extremely important subject.

We are proud in Maryland that we believe that a good energy policy is a good environmental policy, and they go hand in hand. We are very proud of our environment. We cherish our life-style in the Chesapeake Bay and other great resources. We have great bike paths, and we have great greenways. We want to make sure that we are energy sufficient and we are not today.

I was struck last night in listening to the debate of just the dramatic difference between the two candidates on energy. It could not be more dramatically different. George Bush basically says that we can go into the pristine areas of this Nation and continue to use more and more energy and oil in this country, and we do not have a problem. Whereas AL GORE made it very clear that we do have an energy problem in this country and, yes, it means trying to obtain as much energy as we can among ourselves, particularly with alternative fuels.

But it also means good conservation and good energy practices and dealing with the energy problems that are out there so that we can conserve energy in this country and we can be more sensitive to our environment.

During these past 6 years, we in Congress have been fighting the Republican leadership, basically trying to stop some bad things from happening. We have not had the opportunity to move forward on an energy policy, because the Republican leadership has blocked it every step of the way. They are certainly in concert with George W. Bush in that regard.

In 1995, you saw the energy efficiency programs cut by 26 percent by the Republican leadership. I am sure George W. Bush would be pleased with that; the weatherization assistance cut by 50 percent.

Then in 1997, the Committee on the Budget recommended the abolishing of the Department of Energy and that energy conservation be cut by another 62 percent over 5 years. Once again, I think the Republican candidate for President would be very pleased with those suggestions, because he certainly does not believe in an aggressive Department of Energy here to try to find solutions to our energy problems, to develop alternative energy sources.

Then in 1999, the energy department proposed that we purchase an additional hundred million barrels of crude oil for our Strategic Petroleum Reserve. We are 115 billion barrels short. Mr. Speaker, in the next few months, people in the Northeast, including in my district, are going to be very vulnerable to heating oil prices; and we have not done what we should have done in this body in order to help my constituents and those in the Northeast who are going to be suffering from the high costs of home heating oil.

Quite frankly, as I listened last night to the debate, it is an important reason why I hope my constituents and the voters around the Nation are very much in tune to the energy issue as we go into this fall election. There is a major difference between the two candidates.

What should we be doing? And I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this special order, because he has been the leader in this Congress on livable communities. When I first came to Congress, we were working on aspects of livable communities that came to a screeching halt under this Republican leadership. The gentleman has spoken out to the fact that we want to have a better quality of life here. We do not want to sit in traffic jams all day. We do not want to waste a lot of energy and waste a lot of our useful life by sitting in a traffic jam for hours, as many times I do between Baltimore and Washington.

Once we get that high-speed rail in, we do not have that problem. We need that desperately. We do need more intelligent transportation systems. Mass transit makes sense, and we should be looking at ways to improve the livable communities agenda.

I am proud of Vice President GORE and his leadership on these issues to talk about how we want our communities to be. We, in Maryland, as the gentleman knows, have the smart growth policy. Governor Glendening has been the leader on that. It makes sense for us to develop smart growth and livable communities. It is good for energy, good for the environment, and also good for quality of life for our people.

We should be doing that. We are not doing that. We also should be talking about being more self-sufficient in energy in this Nation, and we are not talking about that because we need a comprehensive policy. The Vice President is talking about that; the governor from Texas is not.

Mr. Speaker, I very much appreciate the gentleman taking the time here

this afternoon so that we can underscore some issues that we hope this Nation will focus on as we move into the November elections. These are extremely important subjects.

This Congress, this body, should be doing more on improving livable communities and improving our energy issues and hope that we can focus the Nation in on these issues as we move on to the campaign. I thank the gentleman for the time.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the input of the gentleman from Maryland (Mr. CARDIN). We have had a number of references to the debate last night. One of the more interesting debates that is going on is to listen to our Republican colleagues debate with themselves on these issues of the environment and energy.

I found it greatly amazing actually when we had the Republican Whip, TOM DELAY, barely a week ago calling the Strategic Petroleum Reserve a national security asset and concerned about somehow it being played politics with.

Yet this was the same TOM DELAY who introduced legislation a year earlier that, along with abolishing the Department of Energy, would have sold off the Strategic Petroleum Reserve, or when we hear TOM DELAY accusing the administration of playing politics with an intervention in the market that actually drove down the price. At the same time the gentleman from New York (Mr. GILMAN), the Committee on International Relations, said that we welcome the President's announcement that he will release 30 million barrels of oil from the Strategic Petroleum Reserve.

My colleagues will recall the same day the gentleman from Texas (Mr. BARTON), the Subcommittee on Energy and Power, was saying that he was going to look at legislation potentially that would block this release. What happened?

He spiked oil prices back up again; the next day backing away from his plan saying it is time.

Well, I appreciate my colleague, the gentleman from Maryland (Mr. CARDIN), for talking about the question that we have to try and deal with putting the pieces together, promoting more livable communities, giving people more choices.

Mr. Speaker, one of the leaders in Congress doing this is the gentlewoman from Orange County, California (Ms. SANCHEZ), our colleague who has lectured at Harvard, who has toured various parts of the country, and who has one of the most challenging districts in the country but has been active with her local officials, with her citizens to help them from the government sector to be able to give them more choices and more resources.

I am pleased that the gentlewoman would be willing to join us in this discussion. I yield to her.

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from Oregon (Mr. BLUMENAUER), who truly heads the livable communities task force here in the Congress, a bipartisan measure to really try to do something about planning. In the area that I represent, we have a lot of natural beauty. We have the coastline of California.

And one of the things that really concerned me last night that Governor Bush said was this whole thing about drilling in the Arctic natural wildlife refuge. Why? Because I have seen so many attacks by the Republicans here to try to drill off the shore of California, something that we as Californians really do not want.

We really want to make sure that we are not going to our natural preserves to go after oil in that manner.

Mr. Speaker, getting back to this whole issue of livable communities. The communities that I represent are pretty built out, and it really is this point about planning, planning how we do transportation, planning how we do affordable housing, how we do the housing and job mix there, how we have urban parks, where our children go and play.

The most striking thing about Governor Bush's record in Texas, 6 years of being a governor there, and he has, the last time I checked, never visited an area along the southern border to Mexico that is called Los Colinas. This area in Texas has no planning. These are lots that are sold to individuals where there is no infrastructure. There is no sanitation. There is no water line. Nothing. No highways, no arterial highways, no local roads. Nothing. And what you get is really a shanty, not even a shanty town, but one shanty home after the other, where raw sewage is being spilled out there, where water needs to be trucked in, where people are very, very poor. There are probably about 300,000 people living in Los Colinas, this area along the border.

Mr. Speaker, a medium income of a family in a household, if you can call their house a house, is less than $8,000 a year.

□ 1445

This guy has been Governor of Texas for 6 years and he has not ever bothered to even go down and see what is in his own backyard? I have been to Las Colonias more often than Governor Bush has. If this is the Governor's idea of livable communities, his idea of planning, his idea of how we pay for infrastructure, of how we place urban parks, there are no urban parks in Las Colonias, there is nothing. It is destitute. It is a lot.

There are not even roads decent enough to make sure that children who live in a shanty in Las Colonias can get to the schools, which are probably miles away from where the children are living. This is the record? This is what he has to go on?

This is what people have to understand. America should really understand what kind of a Governor this is, someone who really does not understand about planning, about quality of life, about looking at how we raise our children, and that environment is just not how pristine something is or how we put a monument someplace, but more importantly, it is about our lives, and it is about our children's future.

I thank my colleague, the gentleman from Oregon, for giving me some time to talk about Las Colonias.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's focusing in for us on the concern that we should have in terms of what the Bush administration would represent based on what has happened in two terms now of the Governor of the State of Texas.

Texas, if it were a country, would have the world's seventh largest emission of carbon dioxide. Texas, under the leadership of Governor Bush, has now seen that Houston has now emerged as the number one city in the country in terms of pollution, air pollution, surpassing Los Angeles. We will be talking more about that.

I am privileged to have join us for a discussion of these issues the gentleman from New York (Mr. HINCHEY), a valuable member of the Committee on Appropriations and someone who has been a leader in environmental protection in this Congress.

I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) very much. I thank him particularly for organizing this special order today and giving us all an opportunity to talk about an issue that is important to the gentleman, important to me, important to many of the Members of this House, and I think important to all Americans.

That is, the quality of our natural environment, and particularly the convergence of that issue with another one that is also critically important, the issue of energy, the issue of the availability and the use of energy in the United States currently, and as we foresee the availability of energy here in our country and the use of those energy resources on into the future.

The convergence of these two issues is more than coincidental. They are inextricably intertwined, the issue of protecting the environment and the issue of the way we produce energy for our critical energy needs.

I watched the debate last night, also. I heard in response to a question on the energy issue the Governor of Texas respond that he felt that it was important for us to deal with the energy issue by expanding drilling and searching for new sources of oil.

I would simply point out that that is not going to solve our energy problem. He went on to say that we ought to be

drilling in the Arctic Wildlife National Refuge, and that is a place where we would obtain significant amounts of oil for our energy future.

There are two aspects of that suggestion which deserve attention; first of all, the fragility of that environment. The Arctic National Wildlife Refuge is in fact one of the most fragile environments on the planet. It is important for us to protect it. In fact, it is an essential obligation on our part to protect that fragile environment.

We have here a photograph which I hope the camera would take an opportunity to focus upon so that those of us here in the room, as well as people watching this, can get an idea of what the Arctic Wildlife National Refuge looks like. We can see from the presence of wildlife and the presence of these huge and dramatic mountains and also the presence of the landscape, we can get an impression of the fragility of that landscape.

It is important for us to protect fragile environments. It is also important for us to be realistic about our energy needs and where we are going to obtain the energy that we are going to need, both now and in the future.

If we were to accept the Texas Governor's, Governor Bush's, recommendation that we drill to the extent that he would like to in the Arctic Wildlife National Refuge, what would be the results of that from an energy point of view?

The results would be this. The maximum amount of oil that we could draw from the Arctic Wildlife National Refuge would supply the energy needs of the United States for approximately 6 months. So what he is suggesting is ravishing this very sensitive, critical, irreplaceable environment for a 6-months supply of energy needs in our country. Obviously, it is a very foolish notion.

Furthermore, the implication that somehow this 6-months supply of oil would in some way supply our energy needs for any significant period into the future is obviously on its face just absurd.

So it is important for us to point out the factual circumstances surrounding these issues so that the American people begin to get an understanding of what this issue is all about and the dimensions of this particular debate: a 6-months supply in exchange for the ravishing of this environment. It simply makes no sense.

On the other hand, Vice President GORE laid out in some detail an energy plan that will take us where we need to be. Any energy plan that is worthy of the name must have among its components major provisions for energy conservation. We need to conserve more energy. We are simply expending too much energy in our country. We are using it, and much of the way we use it is wasteful.

For example, we need to have CAFE standards for vehicles such as the SUVs that are finding their way increasingly on the streets and highways of America. Sometimes I get the impression that people who are driving these vehicles think they are going to be taking a trip across the Kalahari Desert instead of driving around the urban area of Washington, D.C., just as an example.

These vehicles, that get about 12 miles to a gallon, are part of the problem, frankly. They are part of the problem because they are consuming precious resources in a very flagrant and sort of careless and unthinking way.

So we need to have improved standards for our transportation needs. We need to have improved standards for appliances. We need to have improved standards for energy production facilities.

If we do that, we will find that the greatest source of new energy for the United States, both now and in the future, but particularly in the future, the greatest source of our new energy needs, will be from conservation. We will have reduced the amount of fossil fuels that we are producing and thereby extended the life of the known available fossil fuels for our future energy needs.

So energy conservation is the principal component of any rational energy plan. In fact, it is the one absolutely essential ingredient of any energy conservation or energy provision plan. We have to conserve. We have to use our energy, the energy that is available to us, much more intelligently and much more carefully than we have in the past.

I would also like to call attention to some of the issues that the gentleman was talking about a moment ago with regard to the environmental legacy in Texas.

Let me just read them here, because I think they are very illustrative of the way in which this particular Governor has husbanded the resources of this particular State of Texas. The Governor has had two terms down there. He has had an opportunity to establish the record. Let us take a look at the record and see what it looks like.

We see first of all that Houston is ranked number one for the second year as America's smoggiest city. That is an honor that I think not many cities would like to have. Houston is the worst city in America for smog. Texas ranks number one in the number of chemicals polluting its air, and the effect of that on the people of Texas is, I am sure, not very welcome. We certainly do not want to see that kind of thing happen across the country.

Texas ranks number one for the amount of toxins released into its atmosphere; again, not an enviable record. In 1997, Texas released over 260 million, 260 million pounds of toxic pollutants into the atmosphere, the number one State in the Nation in that regard, seventh biggest. If Texas were a country, it would be the world's seventh largest national emitter of carbon dioxide; again, not an enviable record.

We have here what we are calling double trouble. Since Governor Bush took office, the number of days when Texas cities exceeded Federal ozone standards has doubled. So the record of this particular Governor with regard to his husbanding of the environment in the state of Texas is a very poor one, indeed, and one that I think we would not want to see inflicted upon the American people all across the country.

I thank the gentleman very much for the opportunity to participate in this special order on an issue that is of critical importance to the future of our country.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's contribution to this discussion. I would just make two comments before turning to another of our colleagues.

First, as bad as this Texas environmental legacy is, and it is, as the gentleman pointed out, awful, what concerns me more than anything is somehow Governor Bush's lack of urgency about this. Where is his outrage about what has happened to his State in the last 6 years that he has been Governor? Where are his initiatives to try and do something about it?

I find the lack of passion on the environment inexplicable, and it is something that I think ought to be of grave concern to every American.

I do appreciate the gentleman putting up the picture of what we are talking about with the Arctic National Wildlife Refuge. This, after all, was something that was recognized as a national treasure by that radical Republican Governor, Dwight Eisenhower, in 1960, when he started setting aside these unique lands for protected status, America's Serengeti.

The gentleman has pictured on that beautiful scene of the plain some of the large caribou herds, 130,000 of them, that calve and rear their young on that coastal plain, that provide subsistence to indigenous people that have a right to rely on that, and could be destroyed by the disruption of the herd.

The gentleman has pointed out, as has our colleague, the gentleman from California (Mr. MILLER), that this refuge is much more sensitive than Prudhoe Bay, and that the American public, we have talked about 70 percent of the American public opposes drilling here, as advocated by Governor Bush.

I find even more interesting that Alaskans, who would stand to benefit from the oil drilling, even Alaskans have a slight majority, according to the public opinion polls, that oppose

drilling in this precious area. It is obviously shortsighted and dangerous. I appreciate the gentleman focusing on it for us this afternoon.

Now it is my pleasure to yield to the gentlewoman from California (Ms. PELOSI), another of the environmental champions in Congress, a woman who has perhaps one of the most challenging urban districts in urban America, the one that is keenly environmentally sensitive and concerned about livable communities.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me. I especially want to thank him for his great leadership on protecting the environment. It is an issue about conservation and it is an issue about health. His championship of the livable communities initiative is one that will serve our children well, and their children and their children. It is about the future. That is what elections are about, especially presidential elections.

So I was very disappointed to hear last night that Governor Bush was offering old suggestions, last century proposals, to challenges that we have into this new millennium.

Livable communities, those are two words that the gentleman from Oregon (Mr. BLUMENAUER) has championed.

Community, that is what America is about: where we live, how we educate our children, where we go to work, how we get there, the air we breath, the water we drink, how we take care of our families in a community.

Described by the word ''livable,'' what could be more basic and more commonsensical than that?

□ 1500

That is what this discussion is about. Vice President GORE, along with House and Senate Democrats, favor long-term solutions about our livable communities. They propose solutions which reduce our reliance on imported oil and ensure a cleaner environment by supporting investments in renewable energy and energy efficiencies.

We House Democrats support that as well. We support tax credits for producing electricity for renewable sources, expanded exploration of cleaner burning natural gas, consumer incentives to purchase energy efficient cars, trucks and homes by offering tax breaks.

In addition to investments in renewable energy, we need to expand America's transportation choices by investing in alternatives such as light rail, high-speed rail, and cleaner, safer buses and other forms of mass transit. These are real solutions that benefit the consumer and the environment and not the cycle of corporate welfare.

I think it is important to note that the Republican-led House appropriation of $650 million for energy conservation is $201 million less than the President's request and $95 million below the current year funding.

We are going backward in our funding. In fact, since 1995, Republicans have slashed funding for solar renewable and conservation programs by a total of $1.3 billion below the Clinton administration request.

I had much more to say about the Bush proposal, but he spoke for himself last night, as I say, in an old way about how we should go into the future, and I know there are other speakers here.

I just want to say that this issue about how we take up this initiative of livable communities under the leadership of the gentleman from Oregon (Mr. BLUMENAUER), this issue about energy and the environment are not just conservation environmental issues.

Where I live, the environment is not an issue in California. It is an ethic, it is a value. It is about our children's health. In other special orders, we can talk about environmental health and how we are impacted by the air we breathe, the water we drink, and what that means to our children's health and the rate of asthma among young children in African-American communities and breast cancer among so many women across the board in our community.

I want to on behalf of my constituents thank the gentleman from Oregon (Mr. BLUMENAUER) for his outstanding leadership on this issue and thank him for giving this opportunity to point out the difference between Vice President GORE and Governor Bush as far as the future is concerned.

Mr. BLUMENAUER. Mr. Speaker, I must say that I appreciate the gentlewoman from California (Ms. PELOSI) tying these pieces together, because as she mentioned, under the notion of livable communities, which the Republican leadership has attempted to sort of pass off as somehow a war against the suburbs or citizens, trying to pry citizens from their cars, she pointed out that it is, instead, a broader concept of how we tie the pieces together, how we make our families safe, healthy and more economically secure. I could not agree with the gentlewoman more.

This administration, the Clinton-Gore administration has done more than any administration in history for the Federal Government to be a better partner, whether it is the environmental ethic, as the gentlewoman from California mentioned, that is being instilled in the Department of Defense, the General Services Administration, to the statements that the Vice President himself has made that indicates that, really, the best is yet to come if we have an opportunity for him to serve as President building on this legacy. I appreciate the gentlewoman's comments and her leadership.

Mr. Speaker, it is with great pleasure that I yield to the gentleman from New York (Mr. WEINER). There are a number of issues that impact people in urban areas. The gentleman from New York represents one of the most urbanized areas in the country and has been a champion of neighborhood livability, metropolitan livability, and Congress being a better partner.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I have to tell my colleagues it was almost before I learned the name of the gentleman from Oregon (Mr. BLUMENAUER) that I had learned to associate him with the idea and concept of livable communities. I want to thank him for taking this time.

Mr. Speaker, I come from a community that one might think would embrace the idea of exploring any sources of energy that we can find, perhaps even including the Alaska Arctic National Wildlife Refuge. Nothing could be further from the truth.

I represent an area in Brooklyn and Queens that has one of the largest urban national parks in the Nation. We have come to appreciate it. It is not all that we would like it to be, but we do see it as our little corner of the national park system.

One would also think that, being from the Northeast where the demand for oil has been so difficult in that high prices have caused so much harm to many of the senior citizens and those on fixed incomes, one would think that any proposal to produce more oil might meet with favorable consideration.

But, in fact, Governor Bush's proposal last night to take one of our most beautiful natural resources and drill for a few weeks' worth of oil and do irreparable harm to our environment is not being met with very much responsiveness.

I will tell my colleagues one thing the Republicans should be credited for is the diversity of their ticket. They should be commended. The President and Vice Presidential nominees come from two completely different oil companies. I think that diversity of oil companies should not be confused with a real outlook and diverse outlook on the way we should deal with our environment.

One does not have to look very far to see how Governor Bush would serve as President. In 1997, in Texas, there was a wide-scale review of the environmental laws and the protections for consumers in that State.

So who did Governor Bush appoint to be on the panel to provide recommendations? Representatives from the oil and gas industry. They came back with proposals that might stun some in this Chamber. They said that the environmental protections in Texas should be optional for many of the largest polluters in Texas.

Well, perhaps, that is why over 230,000 Texas children are exposed to pollutants every day because there is

over 295,000 tons of air pollution each year just in the 2-mile radius around schools in Texas. So it is not at all unusual to hear a proposal that would say let us soil the environment in Alaska. He has been willing to do it in his home State of Texas as well.

But this debate is not one that is just going on on the Presidential level. We here in Congress have been fighting it and the gentleman from Oregon (Mr. BLUMENAUER) for longer than I have.

There were calls in this Chamber over and over again to reduce the amount that we fund for renewable energy. In fact, George W. Bush on September 22 said that we should spend more for energy conservation. He would not have probably voted yes on any of his Republican colleagues' budgets that pass through here because conservation programs have been funded by over $1.3 billion under the President's request since 1995.

In 1995, Republicans cut energy efficiency programs by 26 percent. For those who say we should see around the corner a little bit to see these problems coming, it is clear that that was not going on in this Chamber. If Republicans did not cut the weatherization programs in this country, over 250,000 more households today would have the benefit of those programs, reducing our dependency on oil and, frankly, energy of all kinds and increasing conservation.

Repeatedly around here we have heard calls by Republicans that say do not do anything to support domestic producers when prices are low. It was almost comical to listen to the Republicans grind their teeth and gnash their teeth and wring their hands about the release of petroleum from the Strategic Petroleum Reserve.

Putting aside that George Bush, Sr. did a similar thing, and at the time he said it was to stabilize economic pressures, the idea that we have tried to encourage, especially those of us in the Northeast as a time when oil was inexpensive, was cheap, we did not seize the opportunity to increase the amount that we had in reserve. Why did we not do that? Because Democrats were proposing it and the Republicans were continually shooting it down.

So as we watch this debate go on on the Presidential level, we have to remember that, in each and every one of our congressional districts, this debate should be happening on a smaller level.

It is often said, in conclusion, Mr. Speaker, every 4 years we hear our constituents say, ''You know what, every 4 years it seems like the candidates are getting closer and closer, and it seems like one giant party in this country. It seems like we are choosing the lesser of two evils.''

This year, even the most creative thinker cannot say that about these two candidates. They are very far apart. There are extraordinary differences. The issues that affect livable communities and choosing between having a picture like this of pristine mountains in Alaska or having an oil rig pulling into this part of the country, that is clearly what is at stake in this election. I commend the gentleman from Oregon (Mr. BLUMENAUER) for calling attention to it.

Mr. BLUMENAUER. Mr. Speaker, we appreciate the gentleman from New York (Mr. WEINER) adding his voice and his concerns.

Mr. Speaker, I yield again to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, just quickly, because I want to follow on a point that the gentleman from New York (Mr. WEINER) made, and that is that this is not an abstract discussion. As he has pointed out and as other speakers have pointed out, when Governor Bush says that his answer is to drill in the Arctic National Wildlife Refuge, that is a matter that has been proposed and has been reported out of committee by the Republicans in the United States Senate.

The reason it will not happen this year is because of the veto threat of the Clinton-Gore administration not to do it. But that is what stopped it the last couple of years. This is not something that people are thinking about later on. They are actively trying to do it. We have seen it in our committee, in the Committee on Resources.

We have seen effort after effort reported out by the Republicans in the Congress to undermine clean water, to undermine clean air, to undermine the Endangered Species Act, to undermine the Superfund Act. The reason they have not become law is because of the Clinton-Gore administration because they say they will not accept it, that they will veto those bills, and the Republicans have to back down.

Just in the bill we passed yesterday, there were over 20 damaging environmental riders on that bill. This is not abstract. That was yesterday on a vote. The reason those riders did not end up on that bill is because the President and the Vice President said they would not accept them.

Now think, now think of Washington, D.C. and we have President George W. Bush. No threat of a veto. Agreement on this policy. What do we end up with? We end up with, like the gentleman from New York (Mr. WEINER) pointed out, we end up looking like Texas. We end up looking like Texas.

That is not what America wants. It is completely out of step, not with the Democrats, but with America. American people do not want this kind of environmental wrecking crew ranging across the very bedrock laws of this Nation that protect our environment, that protect our quality of life, that protect our communities, and just throwing them out because the timber industry, the mining industry, the oil industry, the chemical industry are not happy with these laws.

It does not matter if one lives in New York City, if one lives in the San Francisco Bay area or Portland or lives in Upstate New York or one lives in the South or one lives in Florida. It does not matter. If one is going to drill in the Arctic, what is it that keeps Mr. Bush from drilling off the coast of California where the citizens have said no, off the coast of Florida, off the coast of the Carolinas, where people have said no we do not want our areas spoiled. If he is prepared to go into the Arctic National Wildlife Refuge, what keeps him from going off the coast of Florida and California?

What keeps those places from being drilled today? The Clinton-Gore administration, because they are the ones, they are the ones that have continued to fight for those moratoriums.

Mr. BLUMENAUER. Mr. Speaker, I do hope that this will be an opportunity over the course of the remaining month of this election for the American public to focus keenly on these issues. I think the record is clear. I think that goals that the American public want are available to us, and I am hopeful that they will figure largely in the result next November.

H–1B VISA LEGISLATION PASSES IN DARK OF NIGHT

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously we are having the opportunity to have vigorous discussions on the floor of the House. But, Mr. Speaker, I want to draw my colleagues' attention to the time. It is 3:15 Eastern Standard Time, and we are now engaged in what we call special orders, an opportunity to speak to our colleagues and others on very important issues.

I raise this point of time because yesterday in the dark of evening, with barely a 10-minute to 15-minute notice, it was found necessary to bring to the floor of the House a major piece of legislation disallowing any debate by the procedure of suspension which disallows debate and amendments to improve on the status of the legislation, and it passed in the dark of night with no official rollcall vote. That legislation is H–1B nonimmigrant visas.

Let me say, Mr. Speaker, I realize that there is a great need to deal with the necessity of employment in our high-tech industry. In fact, as I look at the cap, the number of H–1B visas that would have been allowed, 195,000, I am sure if we would have been allowed to debate this legislation, we might have seen a consensus of increasing the number.

But yesterday, our Republican majority saw fit in the dark of night to bring it up when many Members were not noticed about it. What we find that has occurred, Mr. Speaker, is that American workers go longing.

American workers are not protected by ensuring that those who come into this country have the minimum salary being paid to them so that they do not come in and be underpaid what American workers can have. There is nothing in the bill that requires employers to recruit or hire or train American workers.

□ 1515

It is known that African American workers are only 11 percent of the high-tech industry, and they continue to be underemployed. There is nothing in the bill that requires the high-tech industry to file their EEO–1 forms just to ensure us that they are hiring Hispanics, African Americans and women and other minorities. There is nothing in the bill that requires employers to take constructive steps to recruit qualified American workers and to cross-train and to work with Hispanic-serving institutions and historically black colleges. There is nothing in the bill which requires the employers to comply with the Department of Labor regulations, and there is nothing in the bill that provides fairness and amnesty for certain of those who are requiring such.

But my point, Mr. Speaker, is this. This bill was worthy of a vigorous discussion. There is nothing in the bill that deals with how do we help rural Americans. Even though the economy is booming, there are certain pockets of our Nation where there is double-digit unemployment. I believe the high-tech industry has a lot to offer, so it would have been prudent for us to be on the floor of the House to tell the American worker we are not forgetting them; that as we bring in necessary immigrant workers on nonimmigrant visas from other countries that we value their contributions.

This is not an effort to start a bashing of those who serve well in this industry, but it is a disappointment to me that those of us who had other viewpoints, among the many pieces of legislation that could have been offered in amendments, we were not given the opportunity. Therefore, our constituents are left in the dark, holding the bag of unemployment because this Congress refused to discuss major legislation impacting Americans in the broadness of light.

Interestingly enough, there was a legislative, a particular initiative, that included in that the employer would undertake an obligation not to displace United States workers, obligation of petitioning employers. So there was language in another bill that did not get discussed that would require those high-tech industries to at least document that they were not displacing an American worker. Can we do any less?

And then, Mr. Speaker, I would like to cite Mr. John William Templeton, a co-convener of the Coalition for Fair Employment in Silicon Valley: ''It is asserted that the digital divide has become a convenient excuse for some firms to avoid training and hiring hispanic and black workers. Instead, these companies prefer to hire foreign workers, such as those brought in under the H–1B program, who often command lower salaries.'' That is unfair to them as well.

So, Mr. Speaker, I offer my enormous disappointment and my commitment to continue working until the last day of this session to make sure that Americans as well as those who are needed by the industry are treated fairly; that our institutions of higher learning, who voluntarily want to participate in the high-tech industry, can get involved and that we can close the digital divide and ensure that those who are here, who want to be trained, our children in schools in both urban and rural areas, Mr. Speaker, can be the kind of skilled workers that will provide the employment base for the high-tech industry.

Good Evening, Mr. Speaker. I approach the debate on the H1–B visa program with a very heavy heart. Why? Because I have spent a considerable amount of time this year in my capacity as Ranking Member of the Subcommittee on Immigration and Claims in trying to come up with a reasonable H–1B bill that would protect American workers and meet the needs of the business community.

I have said on numerous occasions, that I support the Hi-tech industry but I also support our American workforce. I worked very hard in the House Judiciary Committee to come up with a bill that would protect American workers, and I am saddened that the bill that passed yesterday evening falls short of that requirement. The bill that passed out of the Judiciary Committee contained provisions that compelled employers to take certain steps that would protect American workers. However, what is most glaring for me are the lack of any provisions that protect minority American workers who are grossly under represented in the High-tech industry. Nothing in the bill establishes an opportunity for the hi-tech industry to work with HBCU's and Hispanic-Serving institutions and recruit minority workers.

African Americans are especially impacted by discriminatory hiring practices in the information technology field. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. According to a 1999 report, Silicon Ceiling: Solutions for Closing the Digital Divide, approximately 80% of the high technology companies in Silicon Valley do not file EEO–1 forms or affirmative action reports with the Joint Reporting Committee representing federal civil rights enforcement agencies. Clearly there's work to be done to ensure that African Americans have fair access to the lucrative high tech labor market. There is nothing in the current bill that ensures that. Democrats or Republicans did not get a chance to offer any amendments; we were not afforded an opportunity to go to the Rules Committee; and we were not allowed to effect the process, to change the legislation. Democracy was absent in the consideration of this bill.

I would have surely offered an amendment that would require the H–1B employers to report to the Department of Labor how they are recruiting and hiring American workers, particularly those who are members of under represented minority groups. I do not see anything wrong with holding the High-tech community accountable for not only who they hire, but who they do not.

I am very concerned about raising the cap of these H–1B visas. Although it is true that in recent years the high tech industry has fueled enormous growth in the United States and has benefited the corporate information technology, and raising the cap on these types of specialty workers should include an increased commitment to training of U.S. workers. The growing workforce of our country and the strength and growth of the high tech industry in particular can be met effectively by fully developing the skills of our own workers as a first priority, before hiring highly specialized foreign workers. We can have the best of both worlds—expert foreign workers (which create more jobs in America) and trained professional American workers prepared to work in the most sophisticated sectors of the Hi-tech industry.

There has been a lot of discussion in recent months about including immigration provisions with the H–1B legislation. On the Senate side, they call it L.I.F.A., the Latino Immigration Fairness Act. The work ''fairness'' is in the title because how can we possibly lift the cap, and bring in 585,000 foreign hi-tech workers, and ignore the people who are already here? Where is our sense of justice, of equality, of fairness? This H–1B legislation should have: provided relief to late amnesty applicants who have significantly contributed to the American economy; providing parity through the 1997 NACARA law by offering amnesty to Salvadorans, Guatemalans, Hondurans, and Haitians.

Our immigration law contains a provision-called ''registry''—that gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. This year, a bill that I have sponsored, H.R. 4172, the ''Legal Amnesty Restoration Act of 2000'', is before the Congress. This legislation updates the cutoff date for the ''statute of limitations,'' which is now set at 1972. In fact, the majority of immigrants who would benefit from updating the registry date are those who qualified to apply for legalization in the mid-1980s, but the Immigration and Naturalization Service (INS) misinterpreted the law. If their applications had been accepted and processed properly when they should have been, many, if not most of these immigrants would already be citizens. It is unfair and incorrect to refer to these people as ''illegal aliens.''

Instead, they have been fighting the immigration bureaucracy for more than a decade

and are now threatened with deportation. The provisions in my bill which should have been included with the H–1B legislation, or considered for independent House floor action would ensure that the registry provision is continuously updated by moving the registry cutoff date to 1986. If these people are not given relief, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

The Congress also needs to address Central American and Haitian parity. It is long past time to offer Salvadorans, Guatemalans, Hondurans, and Haitians the same opportunity to apply for permanent residence as was extended to the Nicaraguans and Cubans in 1997. Because immigrants from these countries have experienced similar violence and hardship, it is unjust to continue providing unequal treatment. Additionally, while these immigrants have been waiting for their cases to be resolved, they have been contributing to our economy and are needed to support the workforce needs of this country.

I believe that the current high demand market for certain technical specialities is that it should encourage us to retrain displaced workers, attract under represented women and minorities, better educate our young people, and retrain willing and able older workers who have been forced into unemployment.

I am very pleased that Section 12 of this bill provides much needed funding to help close the Digital Divide by putting computer learning centers in Boys and Girls clubs across the country. I sponsored and introduced with Congressman LAMAR SMITH H.R. 4178, the "Kids 2000 Act", that would authorize $20 million from the Violent Crime Reduction Trust Fund each year for the next five years to operate the PowerUP program in Boys and Girls Clubs across the country. I am pleased that the exact language from both my bill and the Senate companion version is in this bill.

This bill does not have language to ensure proper training of our incumbent workers. I believe we need more workers and we need to train more American workers as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue.

In conclusion Mr. Speaker, we need to approach the H1–B visa specialty program with two eyes wide open. One eye focused on looking out for our American workers to ensure proper training, and the other eye focused on the under representation of minorities and women in the high tech industry who currently comprise our American workforce.

I support H–1B visas, to improve our hi-tech industry but I also support our American workers. Thank-you Mr. Speaker.

H–1B VISAS

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to express my appreciation to the gentleman from Colorado (Mr. MCINNIS) and the other Members on the other side who are allowing me to proceed.

Mr. Speaker, last night, under the cloak of darkness, without notice, without the opportunity to participate by voice vote on an unwritten suspension calendar, after we had been told there would be no further votes for the day, at a time when most Members had left the Chamber for evening activities, the House passed S. 2045, legislation related to the increase of H–1B visas.

I was not necessarily opposed to the bill, formally entitled the American Competitiveness in the 21st Century Act. I was opposed to not having a debate about it.

But with such vitally important legislation, in an area of critical importance to this Nation, immigration policy, this House should have had a chance to debate this matter, air the many views that emerged during the House committee consideration of a similar measure, and voted in the light of day on the bill.

It is wrong, Mr. Speaker. It is inexcusable. And the American people deserve to know what some in this House did. The Senate bill increased H–1B visas, in the light of day, to allow some 200,000 additional high-tech workers to come to America from other countries, to work over the next 3 years. I had amendments prepared to expand this legislation to provide these same employment opportunities and training opportunities to the United States workers in rural communities.

Professionals who work in specialty occupations are admitted to the United States on a temporary basis through the H–1B visa category, the largest category of temporary foreign workers. The increase was pushed by many in the business community, especially those in the information technology area, which is experiencing an economic explosion and unprecedented job growth.

The amendments I had prepared would have made sure that those living in rural America would have the opportunity to secure a position in this rapidly expanding job market before employers look outside the United States to bring in foreign workers. Not that we are against bringing in foreign workers, we just want the same opportunity for those who live in rural America.

The House Committee on the Judiciary marked up and reported H.R. 4227, the Technology Worker Temporary Relief Act. Among the many bills introduced, there were three others related to the same subject, increasing numerical limitations on H–1B visas, that also should be considered. Those bills were H.R. 3983, H.R. 4402, and H.R. 4200.

Despite the rosy economic picture in America, too many Americans are being left out. For those Americans, many of them living in rural America over at least a 20-year period, there has been a troubling trend, a trend that affects the very quality of their life. During these 2 decades, income and wealth inequality, the disparity in income and wealth due to wages, accumulated wealth, investments and returns, have been well documented.

It is an alarming and disturbing trend because among those rural Americans left behind, fewer can afford healthy meals, fewer can afford health care for their families, and fewer can afford a college education for their children. It is an alarming and disturbing trend because rural America has been disproportionately affected. Consequently, rural America lags far behind other communities in personal access to the Internet as well as the total use of the Internet.

This disparity exacerbates the persistent poverty, high unemployment, inadequate health care and education resources. Thus, as the economy rapidly expands, rural communities find that it is far more difficult to participate.

Moreover, technological advances, which could provide some solutions to these conditions, elude rural communities because of digital disenfranchisement. Such advances as telemedicine, distance education and electronic government, depend upon Internet access.

It is clear that the competition among service providers that is driving the Internet explosion is not as concentrated in rural communities. The lack of population densities, the absence of essential infrastructure and the fact that rural communities are often spread over great distances are reasons cited for this lack of enthusiasm. Even the Department of Commerce has concluded in its Report, "Falling Through The Net," that, "Disparities clearly exist (and) . . . access comes hardest for Americans who are low-income . . . less educated, single-parent families, young heads-of-households, and (those) who live in the South, rural areas and central cities."

However, these barriers should not, must not remain as impediments. A rising tide should lift all boats.

It is for these reasons that this House should have had the opportunity to debate, vote on and support amendments that would require education and training for American citizens who reside in rural and other depressed areas; amendments that would require both public and private sector entities to make reasonable and diligent efforts to find American citizens who are willing to be trained in information technology positions; that would raise the H–1B visa fees; and that would use those increased revenues to, in part, carry out the other amendment mandates.

Mr. Speaker, this House has not had the will to pass a modest increase in the minimum wage, an increase to help move millions of America's workers out of poverty. But we did find the will to pass a bill that mandates that foreign workers earn a minimum of $40,000 a year. That is what the H–1B Bill that passed provides.

Late last night, Mr. Speaker, those who favor large business interests won. But, the

American people, especially those who live in rural America, the many willing and able unemployed workers and this Nation, lost.

It is clear, Mr. Speaker, that rural America indeed lost. In fact, the Nation lost. Indeed, I think we should make an opportunity for American workers as well.

TRIBUTE TO LT. BRUCE JOSEPH DONALD

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

Mrs. KELLY. Mr. Speaker, I rise today to honor a man from my district, Lieutenant Bruce Joseph Donald of Poughkeepsie, who was killed last Friday when his F–18 Hornet strike fighter crashed in the Persian Gulf.

Lieutenant Donald, known by his call sign, ''Straydog,'' was a 1995 graduate of the Naval Academy where he earned a Bachelor of Sciences degree in Ocean Engineering. Following graduation, Lieutenant Donald spent 6 months at his alma mater on temporary duty prior to being sent to Pensacola, Florida, to begin preflight indoctrination training. Afterwards, he traveled to Corpus Christi, Texas, for primary flight training, and then completed advanced jet training in Kingsville, Texas.

According to his superior officers, Lieutenant Donald performed exceptionally during flight school and, in February of 1998, he earned his Wings of Gold and an assignment to F–18 replacement pilot training at VMFAT–101. Having successfully completed replacement training, ''Straydog'' reported to VFA–25 in July 1999.

As a member of the ''Fist of the Fleet,'' he excelled as a strike fighter pilot and served as the squadron's naval aviation training and operations procedures standardization officer, air-to-ground training officer, coffee mess officer, and landing signals officer. Lieutenant Donald was an exceptional pilot with sound judgment and was a designated combat section leader.

Although we live in a time of relative peace, we must never forget that the men and women who serve this Nation are constantly putting their lives on the line. We owe a tremendous debt to these men and women and to their families who love and support them through their training and deployments so that we may continue to live in a world of hope and the promise of peace.

Having dedicated much of his young life to the service of this Nation, it is only fitting that Lieutenant Donald can be commemorated here. Lieutenant Bruce Donald is survived by his parents, Patrick and Elaine Donald, his brother Brian, all of Poughkeepsie, New York. I offer the Donald family and their friends my deepest condolences.

OIL DRILLING IN ALASKA

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

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to refute some of the comments that were made previously on this floor by Members of this House that know little about what they talk about, and that is energy and energy policy.

I noticed the gentleman from New York was talking about the fragile environment in Alaska. He showed a picture, very frankly, that is not the area which would be drilled in Alaska that George W. Bush suggested last night. He showed a picture that is far south. This is the area of Prudhoe Bay, 74 miles away from the 1002 place where we would drill.

If you notice the caribou here are around the oil rigs. In fact, our caribou herd has increased tenfold from where it was prior to the exploration in Prudhoe Bay, which provided to this Nation of ours every bottom barrel that has been delivered of the 16 billion barrels of oil. That is 16 billion barrels of oil that you would not have to import from the OPEC countries.

You have to keep in mind, Mr. and Mrs. America, that we are now so totally dependent on oil, approximately 57 percent this year, that if there is not a policy change, it will be 60 percent by the year 2005.

I watched the debate last night, and everybody else watched the debate, and I would suggest respectfully that George W. Bush's idea about energy production is vital to you. As you are sitting watching this, if you are a senior citizen and worrying about heating oil prices, right now we are importing, keep in mind, about a million barrels a day from Saddam Hussein. The area which we would like to explore, which is 74 miles away from the pipeline, 74 miles, has the potential, has the potential, of 39 billion barrels of oil. We could increase the production, going through the present pipeline, about a million barrels a day, equal to what we are importing from Saddam Hussein. We would not be dependent upon the OPEC countries. But that is just a small part. Alaska is just a small part.

This administration, the Vice President and the President himself have closed 34 refineries since 1992 in the United States of America. The Vice President asked us to use our reserve to lower the prices, which it will not do so. But as we do take that oil, if he is successful in his attempt, the oil will have to be shipped and refined in Venezuela and then shipped back to the United States because they have discouraged the building of new refineries.

The refineries themselves we have in place are running around 95 percent, which is unhealthy for the refineries because it is hard to maintain them at that level.

□ 1530

We must consider the production and the refining capability, and this Nation with this administration has not done.

I am going to suggest respectfully that there is no energy policy. I have said it once and I will say it again. The only energy policy this administration has had is to be on knee pads begging OPEC to produce more oil.

That is not America. It is for us to set a policy, it is for the next President to set a policy to make sure that we are no longer dependent upon the OPEC countries.

Coal, massive amounts across the Nation and Alaska being discouraged. Nuclear is not being utilized. It is being shut down. Natural gas, the demand has gotten so high now gas has gone from $2.15 a million to, in fact, $5.40 today. Now, that to me is wrong.

If we can find, which we know we have when we are given the opportunities and areas are open, we can become at least 50 percent dependent upon ourselves. And my colleagues out there think businesses can be run with 57 percent of their companies owned by someone else, if they think they can do what they want to do when 57 percent is owned by someone else, they are sadly mistaken and know little about business or the economy.

And that is where the United States is today, 57 percent today, 60 percent by the year 2005 unless there is a change in the energy policy.

My State, yes, is an energy-producing State. Thank God for that. It was on this floor in the House right here in 1973 that we passed the pipeline bill that delivered to this Nation 16 billion barrels of oil spent in our country, not spent overseas, in our country. And to show my colleagues the results, the caribou herd is stronger, the environment is safer. And very frankly, this Nation needed it badly in 1973 because of the embargo; and it needs it today.

I ask America to wake up about energy. Think about where we are going to be if we do not change that policy. George W. Bush mentioned it last night in the debate. We must have an energy policy today that increases the development and the production and the ability to refine our energy policy.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I have listened a good deal to the previous comments, and I was wondering if the gentleman from Alaska (Mr. YOUNG) could answer the question or go into a little more depth about the specific area in which this exploration has taken place.

It sounded as if it was in the middle of a national park in the middle of a

wildlife refuge. I thought maybe it would be interesting to hear from the gentleman just the dynamics of Alaska, how much of the land is owned by Alaska, and maybe compare the size of Alaska to Texas for example. And so, I think the comments of the gentleman are very appropriate.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I am glad he asked that question. Because the area which we are talking about, the area called the 10–02 Area in the Arctic National Wildlife Range, is a very small part of 19 million acres. It is approximately 1,200,000 acres. And of that 12,000 acres would be disturbed. But it is only 74 miles away from the existing oil field and pipeline, 74 miles, which is a very small distance to tie these two areas in.

It is an area that this Congress set aside when they passed the Alaska National Land bill by Senator JACKSON and Senator STEVENS because we knew the potential of the oil being there. And by the way, Mr. and Mrs. America, this is your oil. This is not the State of Alaska's oil.

My goal is to try to make us more independent so we are not dependent on the foreign countries. This very small area that is not, by the way, the pristine area that people talked about, it is probably the most hostile area. And that is why I referred to the picture that the gentleman spoke before me about ANWAR was a picture that was false, false, false.

I want people to remember that. It is a made-up picture or a picture taken in the southern part of that 19 million acres. And I ought to know because I live in that area. And so, when people say we are going to destroy the environment, and I listened to the Vice President talking about destroying the crown jewel, Alaska is the largest State, 2½ times the size of Texas.

We have more wilderness than any other area in the United States including all the States put together. We have more pristine areas in the State of Alaska than any other area. They will never be touched by man. But this one area has the potential, very small as it is, to provide for the Nation itself so we are not dependent upon the Sadam Husseins a million barrels a day for the next 100 years.

Now, keep that in mind what I have just said, by the next 100 years. Some people say I am exaggerating, that it is not true. This is exactly fact. And when someone says, we do not need the oil, it is only 6 months' times, that means we have no other production and would be totally dependent on Alaska and we never ever expected that. But we should be able to provide at least that million barrels a day so we do not have to buy it from Sadam Hussein. That is what is important to me.

Mr. MCINNIS. Mr. Speaker, if the gentleman does not mind, as the gentleman knows, our colleagues that were up here spent most of an hour speaking about what a traumatic situation this was and how terrible this was going to be; and I do not think it was held in its proper perspective. So I think if the gentleman, for example, would not mind going in a little more detail.

He said, when the original plan was drafted or the bill was passed, there was an area that was set aside for exploration. My understanding is now, when we talk about the 19 million acres, the gentleman said there is 1.2 million, but we are only talking about 12,000 acres of 19 million. Is that correct?

Mr. YOUNG of Alaska. It would be 12,000 acres of 19 million will be totally disturbed by mankind. The rest of it is wilderness.

By the way, the Congress set this area aside because they knew the oil was there. And that is one of the reasons it should be opened up.

To give my colleagues an example, in the last 10 years we have lost actually 77 percent of our oil rigs because this administration has not promoted oil development. They have asked us to be dependent upon the foreign country. The domestic oil and gas industry has lost 500,000 jobs in the last decade.

It is ironic to me in this political arena in which sit, Mr. GORE, the Vice President, says, big oil, big oil is bad. Foreign oil is good. Big oil is bad. Buy it from the foreign countries and be dependent. That is good. Let us be domestically dependent on the other countries. No, that is bad.

So I am suggesting that Alaska wants to contribute to the ability of this country not to have to respond to the OPEC countries. And we are so close, 74 miles away. Remember, the pipeline is 400 miles long. We have the potential of 39 billion barrels of oil, and that is the largest reserve we know in the United States today.

And yet we have people talking about destroying the environment. The environment will not be destroyed. But keep in mind, what right do we have as Americans to buy oil from Russia, and yes, we are doing that; to buy oil from the OPEC countries? Do they have any safeguards? They do not. They spill more oil in Russia in one day in the pipeline than we did in the Exon Valdez. And yet we want to buy oil from foreign countries to feed our appetites, that I would agree with. But each day we stop domestic production makes us more dependent, more responsive to the foreign desires. And they can run that price up.

If my colleagues want to blame somebody for the high price, blame this administration. Blame this administration for really discouraging domestic production. They do not have an energy policy, none whatsoever. And if they want to read an interesting book, read AL GORE's book. He wants to destroy the combustible engine, put everybody on bicycles, like they are in China. And yet the other day he said we have got to lower the price of gasoline because it is hurting our economy and the people.

The reason the prices are high is because the policy they have is to go to the OPEC countries and beg them to produce more oil. If we were producing our own oil, then we would not have to beg, they would be producing at a level which we would be producing it and the price would be stabilized.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I might point out that while the Vice President has proposed in the last couple of weeks because, one, we are in a political season and, two, the price of gasoline has escalated rather dramatically, if we look at the Vice President's writings on his policy, his policy actually is to increase the taxes. It is clear. I am not taking this out of context. His policy is you raise the price, you put more taxes on gasoline; and that is the only real policy I have seen.

But let me shift gears for a moment. If the gentleman would not mind, I know I am taking the time of the gentleman, but I was wondering if the gentleman would not explain, when we talk to our colleagues here about the pipeline, if he would explain a little more about what the pipeline consists of, how that project was handled and how they addressed the environmental issues when they put in ANWAR. Talk a little bit about that just to acquaint our colleagues with what is going on in Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I was the sponsor of the pipeline bill; and it passed August in 1973 because we were in an embargo. The OPEC countries placed an embargo and our gasoline went from 23 cents to 54 cents, and we were frankly out of oil.

We passed it here in 1973. We told the companies to build it in 3 years, and they did; and in 1976 they had the first barrel of oil that flowed through that line. And by the way, it all went to the United States. It did not go to Japan. All of it went to the United States. And we have produced about 16 billion barrels of oil.

At the crisis of the Gulf War, for instance, we were producing 2,200,000 barrels a day. It averaged a million barrels a day. It has the capacity of 2 million barrels. But we put that pipeline in with all the safeguards that we can possibly have available in those days. That has been a long time, approximately 28 years ago.

We put crossings for caribou to cross over at the cost of about $50 million. And by the way, they do not use them. They crawl under the pipeline because they like to be under the pipeline.

The caribou herd has increased dramatically many fold over. Actually, the wildlife all the way around has increased. We have had, they say, a thousand spills. That is pure poppycock if I may say so. Because up there they call it a spill and they are very good about reporting it. If there is one drop of oil somewhere from a squirt gun or an oil can or the bottom of a truck, that is reported.

There has been no major spill at all in this pipeline from the time it was constructed. The one people hear about is the Exon Valdez. That was the responsibility of one man, one captain that made an abrupt turn; and why we will never know.

But in the meantime, I remind the American people that that oil which you receive is oil that we would not have to buy from the OPEC countries; and if we could produce 2 million barrels a day, which we could with ANWAR, and, remember, it is your oil, if we could produce 2 million barrels a day, that means we would be that less dependent upon those foreign countries.

Mr. MCINNIS. Mr. Speaker, what concerns me about the discussions that we have been having on the Alaskan oil is that the emotions get in the way, I think, of looking at the facts. One, the fact of what are the requirements of the United States? What is the dependency of the United States? What happens if the United States becomes dependent, as we have seen, on foreign countries? What happens to our economy? What happens to everything from medicine and so on?

On the other hand, we need to not let our emotions become so charged with the price of oil that we ignore environmental safeguards.

And so, my reason in talking with the gentleman is for his explanations of the safeguards. And I think he has done a good job that, with the environment, we have spent $50 million on the caribou for example. Well, that one was not justified because the caribou do not use it. There are a lot of environmental expenses that are taken into consideration and a lot of sensitivities that, rightfully so, are observed.

This is not a sign-off to some company to go up and drill where they want. This is probably the most scrutinized project in the United States I would guess.

Mr. YOUNG of Alaska. Mr. Speaker, I am glad the gentleman brought this up, because it is scrutinized Federally and by the State, the EPA, the DEC, the Corps of Engineers, the Coast Guard, and Fish and Wildlife; and it meets every criteria for safety in the promotion of wildlife.

I go back to this picture again. These are caribou, and this is the oil field. These are caribou and calves, and this is the oil field. And by the way, many times they talked about the caribou herd, the porcupine caribou herd and how their calving area will be disturbed. And I have said all along, caribou calve when they want to calve and where they want to calve. And guess what, the last 2 years they have not calved anywhere near this area we want to drill in.

The myth that is put forth by interest groups to somehow say we are better off buying oil from other countries where they do terrible damage environmentally with no safeguards when ours have all these supervisional agencies over them is wrong.

And each one of you, Mr. and Mrs. America, as you go up to that pump, you are paying the OPEC countries, you are not paying the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) is reminded that he must address his remarks to the Chair.

Mr. YOUNG of Alaska. Well, Mr. and Mrs. America in the gallery, then. I can address somebody I hope.

Mr. Speaker, I want to get back to the concept. Let us look at energy.

Now, you cannot conserve your way into prosperity, nor can you conserve your way into independence with fuel or energy. And that is the suggestion of AL GORE, we are going to have conservation that will solve our problem. Not as our population increases. That is an impossibility. It is not correct.

So I am suggesting we must think about where we find our oil and our gas. And we have it in Alaska. It can be done and has been done and is environmentally safe. We must allow this to happen for America. We must not allow the OPEC countries to control us, as they are doing now.

□ 1545

They are the ones that are pulling the strings; they are the ones that raise the price of gasoline at the pump with the taxes that AL GORE added. They are the ones that make you pay more as you go to work or you take your young son to soccer or your daughter to piano lessons or vice versa. We as Americans have to have a policy. I believe our policy on energy has to be one of production, one of discovery and one of refining.

I know I am going to introduce a bill the next session to give us an expedited process to build refineries. Because I have asked people, ''Why aren't you building refineries?'' They say, ''We can't build refineries under the present delay factors of this administration.'' That means we have to buy refined products from abroad. Most of the gasoline that you burn in your automobile and heating oil that you are using and the northern reserve which we are going to have after this Congress passes it comes from a foreign country, which means we are dependent.

And so I ask you to make sure everybody understands this issue. Energy is the number one problem in America today and threatens our freedom and our security because in the last 8 years, we have allowed this administration to direct us with their policy to become dependent upon foreign countries. I am trying to offset that. Anybody that steps up here and talks about my State and how bad it is in ANWR and the Arctic wildlife range has never been there, they know little of it, and they are speaking the word of a written booklet from an interest group that wants us to become more dependent upon foreign fossil fuels. As we become more dependent, we have to respond to their desires. Maybe it could be negative to the American way.

I ask everybody to wake up, all of my colleagues, and support me in the development of not only the 1002 areas in Alaska but the other fossil fuel areas in America. I thank the gentleman for yielding.

Mr. MCINNIS. I thank the gentleman for taking time this evening. I thought it was very appropriate for the gentleman to come over here because it seemed to be one-sided, the story we just heard.

I also would like to thank the gentleman with my colleagues here for the considerations and the courtesies that he has extended to the State of Colorado over the years. We appreciate his service and his courtesies.

Mr. Speaker, I interrupted my comments because I felt it was very important that we listen to the chairman of the Committee on Resources, the gentleman who has represented the State of Alaska for a number of years. Alaska is a wonderful, wonderful State. Most of Alaska, I think in the high 90s, maybe 96 percent of Alaska is owned by the Federal Government. I wish I had time this evening to talk to my colleagues about what happens and the differences between States that are primarily owned by government and States that are primarily owned by private individuals.

Many of my colleagues here on the floor come from States where their primary ownership in their State are private individuals. Many of us come from States where the primary ownership in our States is the Federal Government. In Colorado, for example, my district is the Third Congressional District of the State of Colorado. My district geographically is larger than the State of Florida. And on the eastern line of my district, which, very simplified, runs from Wyoming down I–25 to New Mexico, it exempts out the cities as you go down, but from that eastern border to the Atlantic Ocean, that land, there is very little Federal Government ownership of lands. Out here in the East, you have the Appalachias, you have the Everglades down there and then in a lot of States you have the local courthouse, you may have a park here and there; but the reality of it is if we took

a map, for example, of the United States and we looked, obviously I am not an artist, but if we took a look at my eastern border, here is Colorado, the point I am making is from this point right here to the Atlantic Ocean, Federal ownership or government ownership of land is represented about like this, with the Appalachias here, the Everglades, the park up here in the Northeast. If you were to look from my border, this district, the Third Congressional District, and go to the Pacific Ocean, you are going to find out that government ownership of land looks like this. Obviously that is a rough drawing, but that is pretty significant.

There are a lot of differences between living in areas where the ownership of the land is by individuals and living out here where our zoning and planning commissions are dictated by decisions out of Washington, D.C. For example, my colleagues that live out here in the East, those that represent States with very little Federal ownership, when they decide they want to build a new bridge or when they decide that they want to go and have a new building or some kind of adjustment in their county or some type of development, they go to their local county planning and zoning commission. Out here in these Federal lands, anything like that, they have got to go to their planning board which is in Washington, D.C. So there are a lot of significant issues that we ask for our colleagues in the East to have an understanding of what goes on out primarily in the West. Or have an understanding of what goes on in the State of Alaska.

For example, in my district, we are totally dependent, totally, not partially, totally dependent on multiple use of public lands, for water. Every highway that we have in my district comes across Federal lands. The water, when I go back to water, it is either stored upon, originates or comes across Federal lands. All of our power lines, all of our cellular telephone towers, all of this is on Federal lands. In my particular district of which we have the premier ski areas in the world, Aspen or Vail or Telluride or Powder Horn or Purgatory, I could go on and on and on, these areas are dependent, very dependent, our tourism dollars are very dependent on these lands. We are very, very, I guess you would say over a period of time we have become encompassed by the concept of multiple use.

I want to talk just for a moment about that concept of multiple use. What happened in the early days when our country was a young country, we basically had this as our country. Our forefathers, the leaders of our country, wanted to settle the land that we had purchased. In those days, possession, that is where the saying, by the way, possession is nine-tenths of the law, possession meant everything. In the early days of our country, if you did not possess the land, somebody else could come in and they did not care whether you had a deed or a document that said you own it, they came in, they sat there with a gun and said, ''I own that property.''

Once our country made purchases like through the Louisiana Purchase and things like that, what happened was, taking this out for a moment, they were trying to figure out how to get people to leave the relative comforts of the East and of the settled communities in the East, how do we get them out into the new frontier. How do we encourage people to go out there and set up a home or set up towns, because as a country we need to possess the lands like the Louisiana Purchase, or we are going to lose them to some other country.

So what they decided to do was let us give land. Everybody in this country, it is an American's dream to own a little piece of land, to own your own little house. It is the American dream. So they used this incentive, go West, young man, go West. To do that, they said, let us have a homestead. You go out into Kansas, you go out into Missouri, you go out there, you find 160 acres or you find 320 acres, you farm it for enough years and you get to keep it. It is your land.

That worked pretty well. What we saw were fairly dramatic movements of population into these areas. But when they got to the West where it is very arid, we do not have the kind of water, it does not rain in the West like it does in the East, when they got out West, the crowd started going around. Nobody was sticking around in here. Why? Because they discovered in Kansas, for example, or Missouri or even eastern Colorado or down here in some of these States, in the Midwest States, Pennsylvania and so on, they were discovering that with 160 acres, you can support a family. You have enough acreage there to grow a farm. But they also discovered that when you got to the mountains, for example, or to the more arid acres, sometimes 160 acres would not even feed one cow. So the settlers were not staying there.

At the Nation's capital, they said, what do we do about this? How do we get settlers out here before we lose this land? How do we get them to move in there? Somebody came up with the idea, it takes 160 areas of good fertile ground in Missouri for a family. That is the equivalent in the mountains of Colorado, it might take 2,000 acres. So let us give them 2,000 acres. They thought about it, the policymakers back then, and they said, ''Wait a minute, we can't give that away. That is too much for one person.'' Then the idea was born, well, let us go ahead and have the government retain the ownership. In other words, the government will continue to own this land out here, but let us let the people use the land. That is where the concept of multiple use came from.

When the gentleman, the chairman of the Committee on Resources, stands up and talks about Alaska and talks about your oil, that is why Alaska is primarily owned by the government, because of the fact of the differences between States in the West and States in the East. And so I think it was important. I acknowledge the gentleman and appreciate him coming to speak with us.

I want to address another point. I had the opportunity to come down and listen to some of my respected colleagues prior to my having the opportunity to visit with you. It sounded like it was the George W. Bush bash hour. What can we bash George W. Bush about? That seems to be a favorite thing by some of my colleagues here lately. What policy can we find of George W. Bush? Let's just bash him.

Somebody ought to stand up here and say a few things that George W. Bush is doing right and a few ideas that I think will work for this country on a bipartisan basis, that both sides of the aisle ought to acknowledge.

Let us take an example. Let us talk about Social Security, for example. Social Security, we ought to look a little at the history. We know that we had the Depression in 1929. In 1935, the President decided and this country, and this Congress on this floor, decided that we should have a national insurance policy, a social insurance. That is where Social Security came about. But there are a few factors to remember about Social Security when it was first conceived.

Number one, for every person that was retired in 1935, we had 42 workers out there working. Forty-two workers for every person retired. What has happened over a period of time is the number of people that are working has gone down in proportion to the number of people that are retired. Today, instead of being 42 to one, today it is three to one. It is three to one. That has created a problem for Social Security.

Number two, and this is good news for all of us, colleagues. This is good news. The modern medicine that we have developed and the vaccines and the ability to fight things like chicken pox and polio and things that were horrible diseases of the past and with godspeed we can find a cure for cancer in the future but these diseases have in a large part been conquered.

The average person in the United States in 1935 could expect to live, a male 62 years old, a female 65. Today, that is almost in the 80s. We have had a dramatic increase in the life span for our citizens in this country. Unfortunately, no adjustment has ever been made in Social Security, number one, because of the number of active workers that have been reduced and, two,

because of the extended life span of these individuals.

So what is happening is today we have a Social Security fund which on a cash basis, means cash in the bank, is in the plus column. But when we look on an actuarial basis, and what do I mean by that word? I mean when we look into the future and say, okay, here is the money we have, here are our future obligations, do we have enough money to cover all of these future obligations? That is what is called actuarial thinking. On an actuarial basis, Social Security is bankrupt.

And who is the individual that is running for President that has stood up and I think in a bipartisan approach come up with a plan? Now, it is a bold plan. GORE and the President, they have called it a risky plan. You have got to take some risk. You have got a plan that is in trouble. Not in trouble for my generation. I am 47. Not in trouble for my parents. My parents are going to be guaranteed, any of the colleagues, any of your seniors, their money is not going to be interrupted. Really from about 45 on up, their money is going to be there. But the young people of this country, the people that George W. Bush has talked about, the people in their 30s, the young workers that are starting out in their 20s, those are the people that are going to face the dramatic problem on Social Security if we do not take a bold move. You can call it risky as AL GORE has called it, but the fact is you have got to do something. That is what leadership is about. If you do not want to lead, stand aside. We are not going to leave you behind.

□ 1600

But you are not a leader. Somebody has to get out there with a bold plan. I can tell you that the plan that George W. Bush has proposed is not exactly in my opinion something that is novel.

You say, what do you mean novel? Well, I think that George W. Bush and his Social Security plan, they looked around and said, gosh, how do we test market my proposal? How do we test market something for the younger generation that will save Social Security?

You know what? They found it. It has been test marketed. It has been out there and used. You know what? It is working.

The logical question that one would ask is, well, where is this test market? Where are the results? Who is using the same type of basic plan that George W. Bush is proposing for all of America? Where is your test market on that? You know, when corporations or businesses or people want to try a product, they go out and test it first. So you prove to us, MCINNIS, where is this test market?

You know where it is? It is right here on the House floor. Us. You know what? We are treated differently than other Americans. Every Federal employee is treated differently than other Americans. How? We have our own separate retirement plan.

Now, we are participants in Social Security, and we do pay into Social Security, but, as you know, we have another plan. Every Federal employee, 3 million of us in this country, have been test marketed, and that plan is called the Thrift Savings Plan.

What is the Thrift Savings Plan? Number one, it is voluntary. You are not required to participate in it; exactly what George W. Bush is saying with the partial investment of Social Security dollars.

Number two, it gives you choice; exactly what George W. Bush is talking about when he talks about his Social Security plan.

Number three, it guarantees you a payment, regardless of the choice that you make; exactly what we have in our Thrift Savings Plan and exactly what George Bush has proposed in his plan.

How does the Thrift Savings Plan work? As you know, we get our check, and there is an automatic deduction taken out of our check for Social Security. There is also an automatic deduction taken out for our retirement. So, as a Federal employee, and remember, this applies to all Federal employees, not just to the Congress, but to about three million Federal employees, so they take out a small amount, or an amount, out of your check for your retirement. You have no choice on that. You get no choice as to where it is invested. You do not get a choice as to whether it goes into the stock market or whether it goes into bonds. You have no choice on it. On the other hand, the trade-off is you are guaranteed a payment when you retire.

But, then, after that is said and done, you get to take up to 10 percent of your pay and you can invest it through the Thrift Savings Plan, and the Federal Government will match the first 5 percent. So you get to take 10 percent, they match the first 5 percent, and you get choice. You are not required to do it, by the way. And what kind of choices do we have?

Our choices are, one, you can go into savings accounts, which are guaranteed by the government, just like if you went to a local bank, FDIC approved. You get that. But the return is low. The lower the risk, the lower the return; the higher the risk, the higher the return. The very low risk option, zero risk, almost, and you get a low return. Or you can go into something like the bond or the stock market. You have that choice.

What is wrong with George W. Bush's proposal to give choice to the American people? What is wrong with our generation, the older generation, looking to the younger generation, like my children? My children are grown now. What is wrong with my generation saying to this generation, hey, you ought to have a little choice. We ought to give you a choice on some of your investment dollars.

George W. Bush has not gone out and said take all the Social Security dollars and let this young generation decide if they want to put it all in the stock market. Of course, that would be reckless conduct. That would be careless. There is not a financial mind in the world that would tell you that would be a smart thing to do.

What George W. Bush said is give them up to 2 percent. Let us try it out. It works for American government employees, why can it not work for the young generation; the women in this country that are young and just getting into the workplace; the young men and the families.

If we do not do something, do you know what the return is? If we stick with the status proposed, which seems to be what is proposed by the Al Gore policy? Here is what your return is: 0.09 percent. That is a rotten return. That is what you get to expect, assuming that we can keep it afloat.

So a young couple today, let us say a young lady named Joyce and a young man named John, and John and Joyce go out into the workplace, and their Social Security, if we do not change this thing, number one, it probably on an actuarial basis will not be there for them; and, if it is, if the stock market continues to boom, and we know, in case you have not read in the last few weeks, it has leveled off, but if it continued to boom, which it will not do forever, then that is about what kind of return you can expect.

How can we do this? Come on. It is an obligation, it is a fiduciary duty on every one of us in this room, to stand up for this next generation behind us and the generation behind them and the generation behind them.

If we are going to have a Social Security program, let us give them a Social Security plan that works for the American people. Let us not make American Federal Government employees an exclusive set, where they have a little different arrangement than the very people who put us here. The people that pay our checks are the taxpayers. We ought to take that into consideration. We should not treat the taxpayers of this country, who are not Federal employees, different than we treat Federal employees.

Why not change Social Security? I see positive things. Instead of standing up here in a very partisan way and bashing George W. Bush, why do we not stand up here and talk about what I think are the good policies and the good recommendations that he has made? If he becomes the President, I think you are going to see a very positive change for Social Security.

Those policies will work because they have been test marketed. It is not new.

It did not just fall out of the sky. These policies work, they have been tested, and they have been tested on 3 million people. And, do you know what? The participation rates are in the high 80 or 90 percent of Federal employees that want to get into this program. Because why? Because it works. That is why they want to get into this program.

Mr. Speaker, let me change subjects, because I heard some other Bush bashing going on, and I think once again somebody has to come tell the other side of the story. Paul Harvey, who by the way, I had the privilege of meeting Paul Harvey a couple of weeks ago in Pueblo, Colorado, where we honored about 100 Medal of Honor recipients, and Paul Harvey was kind enough to come out there at his expense to speak to us. But Paul Harvey has a famous saying, you have all heard it, ''and now for the rest of the story.'' That is exactly why I am over here this afternoon talking to you.

You heard one side of the story, Bush bashing; Bush bashing on Social Security, Bush bashing on taxes. Bush bashing. Look, do you know what? There are a lot of good things in there. Why not look for some of the good, colleagues, instead of trying to spin it out of control because of the political necessities of an election coming up here in 4 or 5 weeks?

Let us talk about taxes, and let us talk about what the Republicans, frankly, with a lot of help from conservative Democrats, have done with their tax policy.

Number one, the Republicans, again with help from conservative Democrats, who came across the aisle, we sent to the President of this country a death tax elimination. Now, whether or not you think you are covered by the death tax, I think it is a fundamental question.

It is the same thing, by the way, with the marriage tax elimination. The Republicans, with help from some conservative Democrats, sent to the President of the United States a marriage tax elimination, to eliminate the tax, because of the fact you are married, and to eliminate the tax because of your death. On both occasions, the President vetoed both of them.

Now, let us talk about it. The basic fundamental question you need to ask about the death tax and the fundamental question you need to ask about the marriage tax is should death or marriage, should those be taxable events in our society? You know what? The majority of us stood up and said no.

Unfortunately, the administration disagreed. They think that marriage should be a taxable event. They think that death is a taxable event. Not only do they think death is a taxable event, I sit on the Committee on Ways and Means. I know about finance and taxes. The President's budget, the President and Vice President, the Clinton-Gore budget this year not only did not even consider elimination of the death tax, they actually proposed an increase of $9.5 billion, a $9.5 billion increase in the death tax.

You should not increase it, you should not keep it. The death tax does not collect a lot of money. Let me tell you, when you hear, and I have heard this over and over again, when you hear, well, this only benefits the upper 2 percent of a community, wake up. It does not just affect 2 percent of the community. Let me give an example.

Colorado, you take a small town in Colorado. I have a small community in Colorado where somebody who, by the way, lived the American dream, started out with nothing, worked all his life. His entire dream in life was to be successful so he could pass it on to the next generation and spread it in the community. He had a construction company. By the way, to be eligible for the death tax on a construction company, if you own free and clear, if you own much more than a bulldozer, a dump truck and a backhoe, then all of a sudden you are facing the death tax. That is right, a bulldozer, backhoe and dump truck, and you are facing the death tax.

This individual passed away. From what you would hear from the people who think that the death tax is a fair tax, that it is fair to tax somebody on property they have accumulated that they have already paid taxes on, simply by the fact that they died, what you need to look at is what the impact is on a community.

What happened, when he died they took 70-some percent; 55 percent of it for the death tax, 22 percent on capital gains, or 28 percent, excuse me, on capital gains. And they took 70-some percent of that estate and moved it out of this small town in Colorado and they moved that money to Washington, D.C. to be redistributed by a bureaucracy.

You know what? The money in a community ought to stay in a community. I do not believe you ought to be able to tax death as a taxable event, but it sure would be a lot more liveable if you went to that small community and said, look, just in spite, you had somebody who was successful, so we are going to tax them on their death, but you get to keep the money in the community.

Remember, the death tax, where it came from. The death tax came as kind of a get-even tool with the Carnegies and the Fords and the Rockefellers. That is where that thing came from, from people who wanted to declare class warfare, who said, look, this is a great country, and we say if you invent the better mouse trap, you get to reap the reward, as long as you do not reap too many rewards, because then we are going to come after you. That is exactly what happened in the twenties and so on.

This is a tax that should never have been created. It is a tax that hurts our communities. It is a tax that hurts our environment. This is a country that ought to pride itself in encouraging its citizens, encouraging its families, to pass a business from one generation to the next generation.

What builds the strength of a country is family. That is what builds our strength. And for a government to go out and discourage and actually penalize the transfer of a business or the family farm or the family hardware store from one generation to the next generation is fundamentally flawed. It is flawed with the concept of what we have as government.

Now, maybe in a communist country or in a socialist country, where everybody is not paid on what they are worth, they are paid on what they need, so no matter what they do, it is not what they do for society, it is what they need. So you equalize all those payments.

That is what the concept of a death tax or a marriage tax comes from, especially a death tax. That is not what we want in this country. That is not what ought to be happening to our communities.

By the way, you heard me right when I tell you the death tax hurts our environment. You say wait a minute, how does the death tax hurt our environment? You know how it hurts it? In my district, in Colorado, a beautiful district, I live in the highest place in the Nation, the highest elevation in the Nation. If you have been skiing in the mountains in Colorado, if you have been in the mountains in Colorado, the essence is you are in my district.

The people discover the beauty of this. What happened is we have family farms and ranches out there, and what is happening is people are coming in and the families are having to sell these. They want to farm, they want to ranch, they want to have that piece of land, but they have to sell it. You know where that land goes? It does not continue as a ranching operation. It does not continue as a farming operation. It continues as a few hundred more condominiums, or a few hundred more townhouses, or a brand new shopping center. That is what is happening to that land out there, and a lot of it is due directly to this death tax.

So do not stand here and bash George W. Bush because he wants to eliminate the death tax. Do not stand here and bash George W. Bush because he says marriage should not be a taxable event. What you ought to do is, as some of the Democrats have done, join the Republicans in our fight to get rid of the death tax. Join the Republicans, as some conservative Democrats have done, and get rid of the marriage tax.

Instead, what happened, unfortunately, we saw the majority of Democrats go with the President and support the President's veto of getting rid of the marriage tax and support the President on this death tax. I am saying to my colleagues, work with us in a bipartisan method. We can do something for Social Security for this next generation. We can do something about that death tax. We can do something about that marriage penalty.

□ 1615

Let me tell my colleagues, in a bipartisan direction, when we have worked together in the past, the Democrats helped us pass probably the largest tax break that we have had in 20 years or 30 years; although the people do not realize what we have done. The Republicans, about 3 years ago, 2 years ago went out and said the Americans dream is about owning their own home. So we think in most families, the ownership of the home is the largest asset they have; that is usually the largest asset in a family.

What we said, the Republican bill that we got passed, with some help from some conservative Democrats, on a bipartisan working effort, the bill we passed says that if you now own a home and you sell that home for a profit, I am not talking about equity, I am talking about net income, you sell it for a profit, your first $250,000 per person, remember most homes are owned by couples, so it is the first $500,000 per couple, but the first $250,000 per person goes into your pocket tax free. You get to do that every 2 years.

That is an incentive for people to go out and own homes, and that was supported on a bipartisan effort. We had conservative Democrats who helped the Republicans pass that, and that gave the American people a tax break they deserved.

For some reason, there has been a misconception down here on this floor. We seem to think that the American taxpayers ought to pay and pay and pay, and somehow people, some of my colleagues spin it out as if we dare talk about it, hey, maybe they put in too much. George W. Bush says take half of our surplus right away and put it to reduction of the debt; that should be our priority.

Reduce that debt, but you still have a little that you ought to put into some programs like education and healthcare, and you still have a small fraction of that you ought to give back to the taxpayer, pat them on the back and say thanks for what you have done. Thanks to the productive nature of the American people, the American taxpayer, this government is sitting pretty well.

This surplus was not created by the wonderful creative thoughts of your government. It was created by our constituents, the hard workers, the 8:00 to 5:00 people or the 8:00 to 8:00 people out there who produce and create capital. Government does not create capital. Government transfers capital. Government takes it from the workers' pockets, transfers it to Washington, D.C., and then hands it out as if they worked for it. That is not what the government is about.

What I am saying is do not be ashamed to talk about a tax cut. They ought to be reasonable tax cuts. Is it unreasonable to cut out the tax of death? Is it unreasonable to cut out the tax of marriage?

I was so excited last night in that debate. I wanted to be in that debate, not as a candidate but just to get up there and say, wait a minute, Mr. Vice President, what is wrong with the policy of cutting out a death tax? What is wrong with the policy of eliminating the marriage tax? What is wrong with the homeowners tax break that we gave 2 years ago? You did not try and spin it out of control then.

I am telling my colleagues from a bipartisan point of view, we owe respect to the taxpayer; and there is no reason to back off and be ashamed, because we talk about maybe we ought to thank the taxpayer and say we got enough to operate the government. The more the taxpayer provides for the government, the sloppier the government becomes.

Sometimes it is a good idea to tighten down on the budgets. That forces efficiencies. That is why I have taken this podium today, instead of bashing Bush all the time, which I heard minute after minute after minute earlier this afternoon, why do we not stand up and say, hey, here are some policies that we can work on in a bipartisan basis; here are some positive things that he has proposed.

There are very few of my colleagues out here who could look me right in the eye and arguably tell me that our plan, our Thrift Savings Plan, should not apply to the American people and should only apply to Federal Government employees. There are very few of you, I think, that could really look me in the eye and honestly tell me, Look, SCOTT, we ought to have a death tax.

How many of my colleagues really support a death tax? How many of my colleagues really think people ought to be penalized in tax due to the fact that they are married? How many of my colleagues really think that this government ought to engage in discouraging families from passing their hardware store or their farm or ranch from one generation to the next generation? Not a lot of my colleagues, but my colleagues ought to be identified to the American people so they know exactly where we stand.

The taxpayer does deserve some courtesy. We obviously need to reduce the death debt. We have to take care of programs like education and health care which are fundamental for the survival of the greatness of this country; but the best way that we do it is we look at it in a positive sense, and I encourage my colleagues to do just exactly that.

CITIZENS' RIGHT TO VOTE

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the 14th amendment of the Constitution of the United States guarantees every American citizen the right to vote.

When our country was founded, the right to vote was preserved for white men and property owners. It took the Women Suffrage Movement to enfranchise women and the Civil Rights Movement to fully enfranchise African Americans and other people of color in this country.

In the words of Susan B. Anthony, we, the people, not just the select few, but we, the whole people including all of us formed this union.

Today, we have awakened to a new challenge for this republic, restoring the voting rights of men and women who committed crime but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised, many of whom are poor and minorities who committed nonviolent crimes.

Many of these individuals have paid their debt to society; and yet some States have restored their right to vote automatically, while others hold this right hostage to politics. Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country.

Persons in some States can easily regain their voting rights, while in other States persons effectively lose their rights to vote permanently.

Mr. Speaker, two States do not disenfranchise felons at all times; 46 States and the District of Columbia have disenfranchisement laws that deprive convicted felons of the right to vote while they are in prison, and in 32 States convicted offenders may not vote while they are on parole. In 29 States, probationers may not vote; 14 States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense; 17 States require gubernatorial pardon, legislative action or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and

ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the whole people of America. They deserve a second chance to vote.

Consider these statistics, Mr. Speaker: an estimated 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total. Three-fourths, or 72 percent, of the 1.9 million disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

The last decade alone, over 560,000 Americans served their entire sentence, stood free and stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women, and they cannot vote in some States. Now, today you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes paid their debt to society and been released free and clear should be allowed to vote.

This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country. When you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community. They also look to ensure that you are economically upright with jobs, or should.

It is time now to pay attention to your civic rehabilitation, that is, giving one the right to vote. Minority and poor people are overrepresented in these numbers. Tonight you will hear from my colleagues why we need to enfranchise all of these women and men.

Mr. Speaker, I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, and this bill does just that. Others, like my friends and colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS), also have introduced legislation to enfranchise these Americans.

My bill, H.R. 5158, simply says if you have served time, you are now out and have served your debt to society. If you are free of all parole and paroles, then you should have a restoration of your voting rights. That is only the right thing to do in this country we call America.

Those persons who have had a mishap in life should be given a second chance. My bill simply says they should in those States that will allow that, and those States you see are listed here. Clearly, the States that you see on the chart are the States that automatically will have a restoration of those voting rights, once a person has served his or her debt to society through parole and is now free and clear standing. And those States are California, Colorado, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Montana, New York, North Dakota, Ohio, Oregon, and Pennsylvania.

□ 1630

Every vote counts. Every vote should count as we proceed into an election mode over the next month or so, a little better than a month. We should remember that the Constitution does give us this fundamental right, and we should also ensure that every person in this country has that fundamental right. We should not abridge that in any form once a person has paid his or her debt to society and is clear and free of her or his parole.

I can recall in the early sixties before the 1965 Voting Rights Act in southern States there were many who had to pay poll taxes before they were given the right to vote. There were some who had to know the Constitution verbatim before they were given the right to vote. That was a certain amount of disenfranchising in and of itself. Yet, those were persons who were people of color, primarily African-Americans.

After the 1965 Voting Rights Act that established their right to vote, then we saw large numbers of African-Americans voting, many of whom now have gone on but who recognize the type of disenfranchisement through not being able to vote unless they knew the Constitution verbatim or paid, as they had, so-called poll taxes.

My bill is simply saying that person does not have to do any of this anymore. This person will not be allowed to vote if he or she is on probation, but for the persons who have cleared themselves of all of the debt that they owe, they should have a restoration of their voting rights.

I say to the Members, Mr. Speaker, if they know of any such person who really has restored his or her rights, do let them know that they have a few days in some States; that there are some States where the deadline for voting is October 7. There are other States where the deadline is October 10.

We are encouraging all of those who want to restore their rights and to vote to call their registered Recorder's office and ask simply, where do I get the affidavit? They have that responsibility to go to the registered Recorder's office and get that affidavit. We have a right to restore your rights by virtue of giving you that right through legislation.

My bill also suggests that those States that do not automatically restore that, we should give them, through the Federal law, that right to vote, especially in Federal elections such as for the President of the United States.

I do have now with me a gentleman who has made his mark early on coming to this House, who in 1999 also introduced a bill, a different bill than that of the gentleman from Michigan (Mr. CONYERS) in that year, but his bill speaks to enfranchisement and restoration of voting rights.

I yield to the gentleman from Illinois (Mr. DAVIS), an outstanding Member, to speak on his bill, and just for general statements. I thank the gentleman for being here.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding to me. Also I want to commend her, not only for bringing an issue like this one to the floor, but for the outstanding work that she does on a regular basis on behalf of disenfranchised citizens throughout America, and her tremendous effort to make sure that those who are sometimes left out, those who are forgotten, those who are at the very bottom of everything in our society, are in fact given as much opportunity.

So I am pleased to join in this special order organized by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This issue has been neglected for too long in this country, and I am talking about those who have officially paid their debt for their infractions, but upon reentry into the mainstream were shunned by the very system that has claimed them reformed by denying them the opportunity to participate in our electoral process.

It seems to me that it is unbelievable that for individuals in a society that values democracy, in a society that talks about each and every individual having the right to participate, a society that talks about the reclamation of individuals and finding ways to bring people back into the mainstream after they have committed infractions, and yet, we deny them the most basic of all rights in a free and democratic society, and that is the right to participate.

I rise to emphatically declare that every American who commits a crime who sufficiently pays his or her debt to society and is rendered free to reenter back into society should have their right to vote fully restored upon return.

In fact, as indicated by the gentlewoman from California (Ms. MILLENDER-MCDONALD), last year I introduced legislation that would do exactly that.

The fact of the matter is clear, that the right to vote is the most basic constitutional act of citizenship. Furthermore, it is my belief that this basic right should include law-abiding citizens. Unfortunately, many people who control the courts and legislatures throughout our country are divided on

this issue, and have passed laws that make it difficult if not impossible for people to come back.

Some States have passed laws which allow ex-felons to easily regain their voting rights, and as a result, these citizens are able to freely exercise their regained right and carry on as productive members of society. Other States, however, are still rooted in archaic belief systems and have kept oppressive laws on the books that permanently bar ex-felons from the basic right to vote.

It is imperative that we review these systems and establish a uniform standard which affords ex-offenders the opportunity to vote in Federal elections, but not only in Federal elections, in local elections as well. It is incredible, when we look at the number of individuals in some of our States, and especially the number of African-American males in some of our States, who have lost their right to ever participate in a meaningful way in the making of laws and the determination of who will represent them in public bodies.

If a person can pay taxes, get a job, learn a trade, learn a skill, carry on all of the functions of citizenship, then I think it begs the question as to why they cannot also vote.

So I would hope, I would hope that as we continue to look at this issue, that we would look at those States that have in fact restored and given back the right for these individuals, once they have paid their debt to society. I have not seen anything that has happened in any of these States that would cause me to believe that it is a harmful practice.

Take, for example, my State of Illinois. I consider it to be a progressive State; not as progressive, perhaps, as it will be, and not as progressive as it should be. But I say it is a progressive State because it is a State where the Governor, even as we look at the death penalty, has determined that we need to review the way in which it is administered, because for some reason, for many reasons, there seem to be an inordinate number of African-Americans, Spanish-speaking citizens, low-income, poor, uneducated, undereducated individuals who end up in the penal system on death row, in the penitentiary, and individuals even who, once they serve whatever time they have been given, still do not have the hope of voting.

So I say to the gentlewoman from California (Ms. MILLENDER-MCDONALD), I think she has in fact given the country a great service by raising this issue, because it gives us a chance to explore; to look at, first of all, why are there so many people in this country in prison? There are more than 2 million people associated in some, way, shape, form, or fashion with our correctional system.

Here we are, 5 percent of the world's population, but 25 percent of the prison population. In a country as enlightened, we are the most technologically proficient Nation on the face of the Earth. The quality of life for mass numbers of people in this country is greater than we would find the quality of life for people anyplace in the world.

Yet, we have not found a way to, in a seriously, not only humane way, yes, we can look at it as being humane, but we can also look at it from another vantage point. It is like having a car that has six cylinders, but if only three of those cylinders are functioning, think of all the power and energy that we are losing.

Think of all the possibilities that we could have. Think of all the positive things that could take place if we would look for ways to take men and women who have committed crimes, who have been incarcerated, and while they are there, would it not make much more sense if they could learn a trade, if they could learn how to do computers, if they could acquire college degrees, if they could learn how to be carpenters and brick-layers and masons and to do maintenance work and to be office managers? Rather than coming back with no skill and not the right to vote, they could come back having paid their debt to society saying, ''I am now ready to do my part. I am ready to do my share of helping to make this country the great Nation that it has the potential of being, so that it becomes even greater than what it is.''

So I ask the gentlewoman to keep working, if she will, on these tough issues. Some of us will be there working with her. Ultimately, the day will come when those individuals who are now left out will in fact get cut in. I thank the gentlewoman for this evening.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I tell the gentleman from Illinois, he just says it so eloquently. I want to enter into some kind of colloquy or dialogue with the gentleman, so I do not want him to leave.

We have been joined by the outstanding gentlewoman from Indiana (Ms. CARSON), who has been in the forefront of mental health. We do recognize that a lot of those of whom we speak have a certain amount of mental health issues, yet it is not being addressed as they are being incarcerated and/or let out.

The gentlewoman from Indiana (Ms. CARSON) comes with experience, having served in the State legislature of her State, with the know-how to address and dig into this issue of mental health.

I yield to the gentlewoman from Indiana (Ms. CARSON) for her remarks on this particular issue.

Ms. CARSON. Mr. Speaker, it is an esteemed privilege and pleasure to stand here in support of, first and foremost, a Member who hales from the State of California, who has the wisdom and foresight and the motivation and the spirit and the compassion and the humanitarianism to bring forth so many pieces of legislation on behalf of people across this country, not just confined to her own district and her own State.

□ 1645

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for allowing me an opportunity to come by just a little while and give just a few brief remarks, and to stand here with the incredibly distinguished gentleman from Illinois (Mr. DAVIS), whose district is in a State that is contiguous with my State of Indiana, and to say a few words on behalf of H.R. 5158, the Second Chance Voting Rights Act of 2000.

Certainly, there is not one among us in this country who does not seek a second chance for one reason or another. I have been given a second chance to live. I have been given a second chance to be a Member of the United States Congress and would hope that I would be given even another chance to be able to stand here with so many distinguished Representatives from across these United States of America.

I say that because, since I was a little child, we harmoniously were taught to say ''My country 'tis of thee, sweet land of liberty.'' That is what the Second Chance Voting Rights Act of 2000 is, liberty. Liberty and justice for all is something that we were also taught to rehearse and memorize as we were growing up through the school systems and going out into the byways of life, liberties and justice for all people.

When one thinks of justice, one thinks of either Frederick Douglass or Booker T. Washington that said ''Justice delayed is justice denied.''

Elected officials are supposed to be the voice of the people. But what happens, when in their selection, a segment of the population is silenced? Silenced for life, not necessarily by choice, not by violent means, not through court procedures, but automatically upon conviction. A portion of our precious democracy dies and society suffers.

A very poignant point came to my attention when I first ran for Congress in 1996. The field was crowded as is in cases where a retiring Member seat exists, somebody who had held a seat for some 30-some years, and is open, and everybody jumps in it.

It was interesting that we had three people who were running for Congress who were convicted felons. The reason they chose to run for Congress instead of municipal or local office is because the State law prohibited felons from running for State office. But no law anywhere prohibited felons from running for a seat in the United States

Congress. I thought that was very interesting that one could not run for a local office but one could run for Congress because Congress has the jurisdiction in terms of determining its membership and its eligibility.

Now, would it not just make sense for here in the United States of America is the only country in the world that permanently takes away the right to vote from its citizens. In 14 States, offenders are barred from ever voting again, even after serving their time. It sounds like something we hear often about double jeopardy.

The opinions of ex-offenders are no less important than that of other citizens because they are still human beings. In matters of government action, Supreme Court Justice Thurgood Marshall recognized that and said ''ex-offenders are as much affected by actions of government as any other citizen and have as much right to participate in government decision making.''

It is estimated that 3.9 million citizens are barred from voting, including more than 1 million who have fully completed their sentences. How can the justice system and States say that an individual is rehabilitated and worthy of another chance in society when that individual is stripped from their voting rights in government?

This goes beyond the denial of individual voice. The policy has implications beyond an individual being denied to vote. The origins of voter disenfranchisement can be traced back to medieval times where offenders were banished from the community. It is later revived in the segregation era as a supposed race-neutral voting restriction to exclude blacks from voting.

The practice of barring ex-offenders from voting has a disproportionate racial impact, even though it may seem race neutral. Consider that the rate for voter disenfranchisement for African-American men is seven times the national average. Consider that the 1.4 million or 13 percent of African-American men are barred from voting. Consider that 36 percent of the total disenfranchised population is comprised of African-American men. Clearly, the impact of this policy falls disproportionately on our Nation's black men.

As a result, the voice of African-American communities as a whole is weakened. A large segment of our population is denied the opportunity to decide who will shape public policy, who will make our laws that affect all of us.

According to the Human Rights Watch, if this current trend continues in a dozen or more States, 30 to 40 percent of the next generation of black men will be permanently prohibited from their right to vote.

Because the States lack uniformity on this matter, the right to vote is dependent upon geography rather than reason. Some States will reinstate the right to vote only through a Governor's pardon or parole board, while in others a bill must be enacted to restore the right.

Some States like Virginia permit the restoration of voting rights. However, in 1996 to 1997, of the 200,000 ex-convicts in Virginia, only 404 had their right to vote restored.

There is no compelling reason, Mr. Speaker, for this national policy interest to be ignored. We must understand why ex-offenders should be denied the right to vote and redress it and reverse it.

As long as America denies some citizens the most fundamental of democratic rights, the right to vote, true democracy cannot exist in silence. When you silence some, you silence all.

We bemoan the low voter participation especially in the African-American community where there is no wonder. A disproportionate number of citizens of the African-American community are in fact disenfranchised in terms of their voting opportunities.

So, Mr. Speaker, please know that I give the gentlewoman from California (Ms. MILLENDER-MCDONALD) a standing ovation, that I give her the tip of my hat for bringing this long overdue issue before the ears and eyes of America and certainly in the halls of the United States Congress.

I would trust that as we go along and begin to educate the Members about this injustice that exists, that perhaps they will decide that it will no longer persist, and rectify this situation that is a bad mark, I believe, on a Western civilization.

I thank the gentlewoman so very much for allowing me to come, and I praise her highly.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the gentlewoman from Indiana (Ms. CARSON) is a gracious lady, and I appreciate her coming. The gentlewoman kind of hit the nail on the head, if you will. We all have been given second chances. So why not give those who have had a mishap through this penal system a second chance, too, to have a restoration of their voting rights.

I will be working with the gentlewoman from Indiana (Ms. CARSON), not only with this issue, but with the issue of mental health as it absolutely integrates into this whole issue of incarceration.

Mr. Speaker, we now have a man who has gained enormous respect across this country as we saw him during the impeachment process. The gentleman from Virginia (Mr. SCOTT) is known to challenge anyone on this floor when there is an infringement on the Constitution. He is highly respected in this House because of his constitutional background and expertise. But today he comes because he questions the Constitution as we talk about fundamental rights of those who should have those rights be restored.

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

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her strong support of this fundamental basic right, the right to vote.

The right to vote is among the most cherished rights we enjoy as citizens of the United States. In fact, it is the cornerstone of our democracy. Unfortunately, many citizens have been denied that basic fundamental right. States first limited the right to vote to white men only with property, excluding women and racial and ethnic minorities.

While the post-Civil War constitutional amendments secured the right to vote for those previously excluded, many States enacted laws designed to circumvent those amendments by erecting new barriers such as the poll tax and other schemes to deny that basic right to vote. Through the passage of the Voting Rights Act of 1965, and other related legislation, we have eliminated those barriers and expanded the number of citizens who can participate in this great democracy.

Here we are today, however, because a significant segment of our population continues to be left out of the process. Specifically, many States maintain barriers to voting for former offenders, denying them the right to vote in an election.

A recent study by the Sentencing Project and the Human Rights Watch shows that some 3.9 million Americans are either currently or permanently disenfranchised as a result of State laws. Among those who are disenfranchised are 1.4 million African-American men or 13 percent of the total black population of adult men.

The disparate impact on black adult men not only denies that group the right to vote but also limits voter opposition to unfair and discriminatory crime policies which result in so many minorities being imprisoned today.

We have to put an end to this cycle of discriminatory crime policy which results in bad crime policy, resulting in the victims of that policy losing their right to vote and then they cannot complain democratically about the discriminatory policy and new policies are enacted.

I am talking about policies like racial profiling where one picks people off the street because of their race or the crack cocaine-powder cocaine disparity where crack cocaine, which is a drug of choice in the black community, one can get 5 years mandatory minimum for a weekend's worth of crack. Ninety-five percent of the defendants in those cases are African American or Hispanic, while powder cocaine one has to get caught with over $50,000 worth before one is subjected to the same mandatory minimum. Once one is subjected to that, one cannot complain because one loses one's right to vote.

Now, I applaud the gentlewoman from California (Mrs. MILLENDER-McDONALD) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS) and others for their legislation to address this problem. It is a difficult problem because of the constitutional complications.

Article 1 section 2 of the Constitution shows where you find the qualifications for electors. Let me just quote what that says: ''the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature,'' which means that the electors in Federal elections are those who can vote for the local State House of Representatives. The State gets to decide who can vote.

Now, the Federal Constitution in section 4 says, that the times, places and manner of holding elections for Senators and Representatives can be prescribed in each State, but Congress shall be able to make regulations involving the time, place and manner; but according to section 2, not the qualifications.

Now, the 14th amendment and equal protection clause says that the States cannot discriminate against people as they determine the qualifications except for participation in rebellion or other crime, which says specifically that the States may discriminate based on felony records.

Now, Richardson v. Ramirez, a 1974 case recognized that felony disenfranchisement law does not on its face violate the Constitution, and so we are somewhat limited in what we can do. But the vote to determine voter qualifications is not unlimited.

Rogers v. Lodge, 1982, held that at-large electoral systems are unconstitutional if conceived or operated as purposeful devices to further racial discrimination by minimizing, cancelling out, or diluting the voting strength of racial elements in a voting population.

□ 1700

Now, the court identified a number of considerations. The presence of racially polarized voting, the impact of past discrimination on the ability of African Americans to participate, the lack of responsiveness to the African American community, the depressed socioeconomic status of African Americans can all be considered. And consistent with that, in Hunter v. Underwood, a 1985 case, the Supreme Court determined that Alabama's felony disenfranchisement law, in fact, violated the Equal Protection Clause of the 14th amendment because ''Discriminating against black as well as poor whites was a motivating factor for the law.''

Thus, the standard becomes clear. Any Federal legislation on this topic must be supported by specific evidence in the record as to the discriminatory intent of each State's statute, similar to the evidence gathered when we passed the Voting Rights Act. Findings which just show a possible disproportionate impact may not be enough. But certainly if we can find intent in those State laws, we can develop legislation. This means that in States that have no minority population, we probably cannot show that those laws were affected to discriminate against minorities, but we should have a hearing record to show which States in fact do. And we can target our remedy just to those States, just like the Voting Rights Act did where only certain States are subject to the preclearance provision. Those States were caught discriminating. We identified those States and affected the remedy just in those States and not others.

So we need to have hearings next year and establish the record that we all know is true, that felony disenfranchisement has a disparate impact on black adult men, and exists in many States because of discriminatory reasons. Laying such a foundation will permit us to establish a compelling State interest for Federal intervention and permit us to narrowly tailor the legislation to address the problem. That legislation will enable those presently disenfranchised to fully participate in our democracy, and we will be able to craft legislation which could withstand constitutional challenge.

Mr. Speaker, I commend the advocacy of the gentlewoman from California, the gentleman from Illinois, and others who have called this special order to expose the compelling issue before us; and even though the solution may be complicated constitutionally, we can work, because we must, to address this problem, and we must support our basic fundamental constitutional rights to vote.

I thank the gentlewoman from California.

Ms. MILLENDER-McDONALD. My God, you have done well by my spirit and by my soul. I will certainly call on the gentleman as we engage further in hearings, because the gentleman has given some compelling arguments with the cases that he has outlined that suggest to me that we can perhaps fight this, and we will do just that as we go around this country hearing from folks and hearing what they have to say in terms of discriminatory practices and then challenge even States and their attorneys general so that we can then fight this on this floor.

I thank the gentleman so much. I told my colleagues that he was a scholar in his constitutional knowledge and, indeed, he has reflected that today.

We have with us another great lady from the great State of California, who in her own right has worked in this House on numerous issues, but what she has been so noted for is her fight for women and children, for funding for women's health and for the HIV/AIDS epidemic in minority communities. Those of us who are people of color cannot say enough of this woman, who may not be a person of color, but she is a person of conscience.

Mr. Speaker, I would like to yield to none other than the gentlewoman from California (Ms. PELOSI). California has brought us one of its finest, and I thank her so much.

Ms. PELOSI. I thank the gentlewoman so very much. I thank her for her great leadership and that of the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT). We have been blessed in this institution with great legal minds and great minds that care about equality.

I support the Civil Participation Rehabilitation Act of 1999, which would grant persons, as the gentlewoman has spelled out, who have been released from incarceration, the right to vote in Federal elections.

The points have been very well made by the Members who have spoken already. I just want to give a little perspective from the standpoint of the Committee on Appropriations, on which I serve. I spent some time on the Subcommittee on Commerce, Justice, State, and Judiciary, where judges would come before us for their appropriation, and we would have the opportunity to ask them about issues like mandatory minimum sentences or making a Federal offense on certain crimes that really should not have been raised to that level.

This rampage that the Congress seemed to have been on, and not only the Congress but the State of California too, where we have the ''Three Strikes You're Out,'' and mandatory minimum sentences, etcetera, where we have had these sentences which go beyond a year and a day and, therefore, are considered a felony, we have so many people now who run the risk of being disenfranchised.

This denying voting rights to ex-offenders is inconsistent with the twin values of democracy and rehabilitation. Felony voting restrictions only serve to alienate and isolate individuals from civil society. Americans believe in rehabilitation, that if a debt to society is paid, there is no longer a debt. Why then should we not have a universal Second Chance Voting Rights Act so that people all have a stake in America's future?

Our colleague from Virginia has mentioned the number of African American men, that there are estimates that 1.4 million African American men, or 13 percent of the total population of black adult men, have been disenfranchised either currently or permanently disenfranchised as a result of State felony voting laws. This is outrageous. This is outrageous. We have a chance here to do something about it.

And while I am at it, I have talked about people paying their dues to society and the mandatory minimum sentences which elevate some of these offenses to felonies; but, in conclusion, I want to make one other point. We do not have equal representation for all the people in our society when they are accused of a crime. It simply does not happen. It comes into play when we talk about the death penalty, which is a different issue; but when we have everyone having the same caliber of legal representation, then we can talk about everyone having the same risk in terms of where penalties are concerned.

So where we have a situation where Congress is interested in making some offenses felonies, by either making the sentence a year and a day, or we have the situation where young people simply do not know about the ''Three Strikes You're Out,'' the mandatory minimums, the risks they take in making mistakes when they are very young, they cannot afford to pay for the kind of representation that somebody else, who might get off because they had a much better lawyer, gets.

Also, there is an interest on the part of prosecutors sometimes for a plea, and people with information have a plea. Lots of times these kids have no information. Lots of times they just got caught with a small amount of a drug. They do not have information, so they go to jail. Somebody higher up, who has information, can plea, can afford better representation; and these kids, again, are the ones who go to jail, lose their right to vote. Even after they pay their debt to society, they may not be able to vote.

So I thank the gentlewoman for doing this. It is so fundamental to our democracy that everyone have a stake in it; that everyone be able to fully participate. We cannot say to young people who have made a mistake that they are going to pay for it forever in terms of their full enfranchisement as a citizen in our country. Certainly as long as we are a country where representation is unequal as far as representation in the courts, we cannot have these, shall we say, capital punishments, as far as voting is concerned.

So I thank the gentlewoman for what she is doing from the perspective of my district and from the perspective as a proprietor who has heard over and over and over from the judges, please, stop, Congress, from making all these mandatory minimum sentences. Give us some discretion. Stop federalizing these offenses. That takes us down a path which is exacerbated by the disenfranchisement that you are trying to correct here.

So I commend the gentlewoman and the gentleman from Illinois (Mr. DAVIS), the gentleman from Michigan (Mr. CONYERS), our distinguished ranking member on the Committee on the Judiciary; and I am pleased to join all my colleagues, the gentleman from Virginia (Mr. SCOTT) and the distinguished gentlewoman from Ohio (Mrs. JONES), as well as our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who I know will be speaking as well, and so many Members who have spoken on this issue today.

I thank all my colleagues for their leadership. We are all in your debt.

Ms. MILLENDER-MCDONALD. I thank the gentlewoman so much. The gentlewoman has touched on an issue that we certainly will be looking at as we probe into this whole notion of discriminatory practices when it comes to voting rights, especially for those who have served their debt to society, and one is mandatory sentencing. We really need to see how that plays into the inability of one having to have the restoration of their voting rights. So that is one thing we will look at critically as we move into venues with hearings.

As I said, the gentlewoman from California may not be a woman of color, but she is a woman of conscience.

Well, Mr. Speaker, now we have a woman of color who once was a prosecutor and a judge out of the great State of Ohio. She has come in and put her paw prints on this place in such a short time. She has gone around this country talking about predatory lending.

As her predecessor said, the gentlewoman from Ohio (Mrs. JONES) is someone she knew was going to come in like a strike of lightning, and she has done just that. With her experience in the courts, with her experience in other areas of the justice system, she has certainly served us well even in her short time.

I thank the gentlewoman so much for being with us tonight.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join the gentlewoman from California (Ms. MILLENDER-MCDONALD) this afternoon in the special order, as well as my colleagues, the gentleman from Illinois (Mr. DAVIS), the gentlewoman from California (Ms. PELOSI), and the gentleman from Virginia (Mr. SCOTT). I am pleased to stand and rise in support of the special order with regard to H.R. 5158, Second Chance Voting Rights Act of 2000 and H.R. 906, Civic Participation and Rehabilitation Act of 1999.

It is interesting that while voter registration drives move at full speed, and while campaign speeches are given to varying constituencies, one group is still left out. We always say, ''It is your vote that is your voice. If you do not vote, you do not have a voice.'' The people without a voice today are those in the States wherein convicted felons who have completed their time in jail or who are off of parole do not have the right to vote. That is why I am proud to stand in support of both of these bills, and I urge my colleagues to do the same.

Think about it. America was founded as a second chance; a second chance for freedom, a second chance away from religious persecution. Why then are we stripping rights from people who have served their time, paid their debt to society and now want a second chance?

We must remember that this Nation stood up when it granted women the right to vote. This Nation stood up over 2 decades ago when African Americans were disenfranchised by Jim Crow, by all the poll taxes, all the literacy tests, and recognized that disenfranchisement runs counter to our democratic ideals of freedom, justice, and liberty.

In the United States, felony convictions bring civil consequences. We all know that. Offenders may lose the right to vote, sit on juries, hold offices, and obtain various licenses. The problem is that these penalties continue long after the sentence is served and long after the debt is paid. Let us give those rights back to give an opportunity for the offenders to be whole again.

Forty-six States and the District deny convicted adults in prison the right to vote; 32 States disenfranchise felons on parole; 29 disenfranchise those on probation; and 14 bar ex-offenders for life. We have already gone through the statistics. Think about it like this. My predecessors died for me to have the right to vote. What that did was it not only gave people the right to vote, but it gave them the opportunity to be heard, and it also made them responsible citizens in their community.

By disenfranchising so many people in our communities, particularly disproportionately African Americans, we disenfranchise a Nation, a generation of young people whose parents will not know about voting. So how can they take their children to the ballot box if they have not had the right to vote? If we want the people to believe that they have a part in this society, that they are useful in this society, we need to give them the opportunity and the right to vote so that they can then act responsibly and go out and vote.

Some will argue this legislation makes legislators soft on crime. Nonsense. Legislation like Second Chance and Civic Participation make legislators not soft on crime but strong on democracies. Others are concerned that victims and ex-felons might determine election outcomes, particularly where local sheriffs and judges have run tough-on-crime campaigns. Nonsense. Voting is a right that comes with citizenship. Let us give it back.

Why do I support both these pieces of legislation? Because participation aids in rehabilitation and public confidence. Ex-offenders have served their time; let us not punish them forever. And felony voting restrictions have strong racial overtones, since African Americans are

disproportionately represented in the criminal justice system.

□ 1715

We must do better. If we are discouraged about low voting participation from the general public, let us do something positive about it. Let us give ex-offenders a new chance, a second chance, a new start to start their life, liberty and the pursuit of happiness.

We must clear up this stain on our Nation and support both of these pieces of legislation.

Let me finally close with a couple of anecdotes.

When I served as a judge and people I had placed on probation completed their probation and were sent out in the world, they were discouraged because they could not get a job, they were discouraged because they did not have a right to vote, they were discouraged because they could not get a license. We must give these persons an opportunity to become useful citizens in our community.

Think about it like this: Right now on the TV on the Divorce Court, we have a young judge who was a juvenile offender. He turned his life around. He is a shining example of young people who can turn their lives around when aided and supported and make a difference in our society.

Support the right thing. Support a second chance. Support H.R. 5158 and H.R. 906.

Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this issue and I would ask all my colleagues to join in the leadership team and vote in favor in support of these pieces of legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments. I think she made a very telling statement when she says penalties last long after probationary periods. What a telling statement that is.

I am told I have a shorter period of time than I thought I had, and so I will give the remainder of the 5 minutes that I have to an outstanding young woman who hails from the great State of Texas, who everyone knows in my State because of the absolutely sterling presentation she did during the impeachment.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for her leadership.

Mr. Speaker, I rise to join with my colleagues on reemphasizing to the American people and to our House colleagues and to the other body the importance of H.R. 5158, Second Chance Voting Rights of 2000, and H.R. 906, the Civic Participation and Rehabilitation Act of 1999 offered by the gentleman from Michigan (Mr. CONYERS).

I know that we have heard these numbers, but might I, Mr. Speaker, emphasize again that 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction.

Now, as a member of the House Committee on the Judiciary, I think it is important for the American public to realize that we, too, uphold the Constitution and believe in its tenets, and that is the value of the right to vote, the value of democracy, but we also realize that juxtaposed alongside of the Constitution are a myriad of State criminal statutes that make our country a country of laws governed by the people. We understand that.

But in this time of great necessity of human capital, the great need for human capital, is it not shameful that we waste those individuals who have dutifully paid back to society for what they have done?

I would hope that people would understand or that, as we are participating in this discussion, that all who are listening would understand that what we are talking about are individuals who have in fact paid back their time, and yet they cannot be allowed to vote. They cannot vote in Federal elections, and many times they cannot vote in our State elections.

Let me applaud some of the work that has been done in the State of Texas which is now working to indicate to those ex-felons who have done their time that they can be re-enfranchised. This is a key element of what we are trying do on the Federal level.

Last evening about 75 to 80 million people listened to the Presidential debates, as they will listen over the next couple of days. I would simply say that they are privileged to not only listen, but they are privileged to vote.

Why would we extinguish the valuable human capital of young people in our community, of individuals who made a mistake when they were young and have paid their dues, why would we extinguish their right to vote?

And so, I think that we must look to this Federal legislation because I believe there are only about 20 States that automatically restore the right to vote. And, therefore, this Second Chance Voting Rights Act of 2000 is to re-enfranchise our brothers, our sisters, mothers, fathers and others.

Mr. Speaker, I want to thank the gentlewoman from California for leading on this special order, not only to educate but to help us legislate freedom. Freedom is not easy. It is not cheap. Let us not deny those Americans who have now come forward and say, I know that I did not do right, but I have paid the time. Let us enfranchise them.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to express my appreciation to the leadership and for the bill that has been introduced for this subject because I think that it is of high priority.

Mr. Speaker, today I became a cosponsor of H.R. 5158, the Second Chance Voting Rights Act of 2000. The legislation, authored by my colleague Representative JUANITA MILLENDER-MCDONALD, would automatically restore federal voting rights to any formerly incarcerated person upon the unconditional release of that individual from incarceration and completion of their sentence, including parole.

This legislation is necessary because thousands of ex-offenders are denied the fundamental right to vote. Under the Constitution, states have the authority to deny the right to vote to an individual who is imprisoned and to restore that right once a person is released. Many states automatically return the right to vote once the former prisoner's sentence has been completed. However, some states require prisoners to meet certain procedural requirements to have their voting rights restored, and a few go as far as requiring a ''pardon'' for voting rights to be restored. In my own state of Texas, the right to vote is not restored until two years after the prisoner receives a certificate of discharge, two years after completing probation, or by pardon. In other words, former prisoners in Texas do not share in the basic rights that other Texans enjoy because they must wait two years before regaining their voting rights.

This situation in Texas and in many other parts of the country is fundamentally wrong. Citizens should not be deprived of the right to vote once they have paid their debt to society in full.

Allow me to share with you that in Texas I am coordinating with Yvonne Davis and Terry Hodge, Texas state representatives and members of the Texas Legislative Black Caucus, an effort to reach out to individuals who have been released from incarceration. The effort will involve enlisting voter education groups to reach out to these individuals and public service announcements to encourage these individuals to register and to vote on November 7th. This effort was launched in early August. It will remind individuals that although they lost many of their rights while incarcerated, they are again full-fledged Americans who have the same rights as their fellow citizens to help elect leaders who will shape the future direction of this country.

Ms. MILLENDER-MCDONALD. Mr. Speaker, the 14th Amendment to the Constitution of the United States guarantees every American citizen the right to vote. When our country was founded, the right to vote was preserved for white men and property owners. It took the women's suffrage movement to enfranchise women and the Civil Rights Movement to fully enfranchise African-Americans and other people of color in this country. In the words of Susan B. Anthony, ''we the people'' were not just the select few but ''we,'' the whole people, including all of us, formed this Union.

Today, we have awakened to a new challenge for this Republic—restoring the voting rights of men and women who committed crimes but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised—many of whom are poor and minority and who committed nonviolent crimes. Many of these individuals have paid their debt to society. Some States have restored their right to vote automatically while others hold this right hostage to politics.

Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country. Persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently.

Two States do not disenfranchise felons at all.

Forty-six States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison.

In thirty-two States, convicted offenders may not vote while they are on parole.

In twenty-nine States probationers may not vote.

Fourteen States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense.

Seventeen States require gubernatorial pardon, legislative action, or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the "whole people" of America. They deserve a second chance to vote.

Consider these statistics:

An estimated 3,900,000 Americans, or one in fifty adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total.

Three-fourths (73%) of the 3,900,000 disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

Over the last decade alone, over 560,000 Americans served their entire sentence, stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women. And, they cannot vote in some States.

Today, you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes, paid their debt to society, and been released free and clear should be allowed to vote. This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country—when you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community, and economically with jobs. It is time now to pay attention to your civic rehabilitation.

Minority and poor people are over-represented in these numbers. Tonight, you will hear from your colleagues why we need to enfranchise all these women and men. I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, to do just that. Others like my friends and colleagues Representative JOHN CONYERS and Representative DANNY DAVIS also have introduced legislation to enfranchise these Americans. You will hear from them now.

Representative DANNY DAVIS; Representative JULIA CARSON; Representative STEPHANIE TUBBS JONES; Representative NANCY PELOSI (maybe); Representative BOBBY SCOTT; Representative SHEILA JACKSON-LEE; and Representative EDDIE BERNICE JOHNSON; for unanimous consent.

The last day to register is coming up soon. Every person who is not registered should check with your county registrar of voters and make sure you get registered. I want to encourage all Americans of every political persuasion to register and vote on election day, November 7. I particularly want to encourage ex-offenders who live in States that have restored their voting rights automatically to register and vote. These States are: California; Colorado; District of Columbia; Hawaii; Idaho; Illinois; Indiana; Kansas; Maine; Massachusetts; Michigan; Montana; New York; North Dakota; Ohio; Oregon; and Pennsylvania.

In our great representative democracy, we must not deny anyone who is eligible to vote; even those who have paid their debts to society not be given this fundamental right.

Remember. Every vote counts and your vote can make a difference. Register to vote by October 8 and vote on November 7.

Mr. Speaker, again, thanks to all of the Members who have come tonight.

PRESCRIPTION DRUG BILL

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

Mr. MASCARA. Mr. Speaker, my wife Dolores and I have spoken on many occasions about the need to pass a prescription drug bill.

Some of our friends back in southwest Pennsylvania are affected by the lack of coverage. I come to the floor to express my deep concern regarding the continued lack of prescription drug coverage for many of our Nation's seniors.

I recently received a letter from a constituent who worked his entire life in a blue collar job. He retired on a small nest egg and his monthly Social Security check. Although his health is relatively good, he still spends over 40 percent of his income on health care costs, including a monthly prescription drug bill that is over $400 a month. Unfortunately, he does not have prescription drug insurance and every month he is forced to cut back on food and medicine.

I assure my colleagues he is not alone. The AARP estimates that the average out-of-pocket prescription cost for seniors is $349 per month. Of the nearly 40 million people on Medicare, one-third have no prescription drug coverage and 20 percent have coverage that does not last the full year.

In other words, millions of seniors are suffering in ways that are morally wrong, especially for such a wealthy and caring Nation.

How can we turn our backs on our seniors?

To paraphrase the late Senator Hubert Humphrey, the true moral test of a government is how it treats those that are in the dawn of life, our children, those who are in the twilight of life, our elderly, and those who are in the shadows of life, the sick, the disabled, and the less fortunate.

The elderly and the sick and the disabled should not have to make the terrible choice between food and medicine.

In that vein, last year I introduced H. Con. Res. 152, which called upon Congress to pass meaningful legislation that would give all seniors prescription drug coverage.

I am sure my colleagues here in the House are aware of the enormity of this issue. I am sure they know that upwards of 13 million seniors in this Nation are without any kind of prescription drug benefit and that over one-third of those currently on Medicare have no outpatient drug benefit.

Seniors are asking for a real drug benefit package. We need a reordering of priorities. During a period in our history when we are experiencing unprecedented budget surpluses, we need to include a prescription drug plan that will cover all seniors and it should be through the Medicare program, not through HMOs or private insurance companies who have failed miserably in the delivery of health care in this country.

So let us get together, let us work together and pass a piece of legislation that will help our seniors.

RURAL AMERICA

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to talk about rural America.

Sometimes I think it is the forgotten part of America. Having lived my entire life there, I think it is the heart and soul of America. In my view, it is the part of this country where basic values are still important, where people believe they work hard for a day's pay and they are willing to do their fair share, they do not want a free lunch.

But as we look at the history in the last 8 years, and we will start with agriculture, in the times of unparalleled prosperity, the finest economy America has ever had, agriculture is struggling to even exist.

Family farms are leaving all parts of America. In my part of Pennsylvania, we have been watching that and they grow up into rag weed and other weeds for a few years and then they become brush and then they grow back to forests.

How could agriculture not flourish when our economy is so strong? We have had a Clinton-Gore administration that has not kept their promise to American farmers. They promised to open world markets. We have unparalleled ability in this country to produce food and fiber. But without world markets, there is no place to sell their products.

Farm products have never been cheaper. Agriculture products have never been at a lower value. And it is almost impossible for so many of our farmers to pay the bills. So agriculture has had a bad 8 years during Clinton-Gore, and I do not think we can stand 8 more. We need a leader in this country that will open our markets and help agriculture to be profitable once again.

Energy, the issue that is in the pocketbooks of all Americans. We are going to have a winter this year where the poorest of Americans will pay in some places twice as much for their home heating fuel as they paid last year.

How did that happen? How did we go from $10 oil to $35 oil in less than 18 months? It is because this leadership of the Clinton-Gore administration had no energy policy. They were drunk on cheap oil. They paid no attention to the oil patches of this country and the other energy resources of this country, and they allowed them to slowly go out of business.

During this administration, our dependency has gone from 36 percent to 56 percent oil not from our friends, not from our neighbors in many cases, but from unstable parts of the world who care nothing about our economic future.

And today, the policies of this administration have put us in a position where we could be paying $45 for oil before the year is over. And we all know what that will do to home heating, cost of trucking, cost of driving our vehicles.

A lack of an energy policy of the Clinton-Gore administration has been devastating to rural America. Because not only do we consume it, that is where we produce it.

The timber industry. In the West, we have great softwoods. In the eastern part of the United States, we have the finest hardwoods forests in the world. My district has one of the finest hardwood forests in America. But again we have watched Clinton-Gore policies that have tried to stop all timbering on public lands.

Someone might say, well, that sounds good. But you know the Federal Government owns a third of America. When we add the State governments in, we are at about 44 or 45 percent of public ownership. And when we add local governments in, we are approaching half of America is owned by government.

So government policies from an administration have an awful lot to do with whether we practice good forestry and whether we are able to timber.

Timber is a natural resource and it is a resource that replenishes itself. You could have good forestry practice on the land forever and it will continue to grow fine quality timber that we use to build our homes, make our paper, and all the things we sort of take for granted.

□ 1730

I am told we are approaching 50 percent on the importation now of softwoods in this country because we have had a policy that opposes cutting timber.

Public land ownership I have talked about. When a huge part of a State and much of rural America, that is where they own, in rural America, when you have public policy changes, you have a huge impact on the rural economies; when you no longer allow grazing; when you no longer allow mining; when you no longer allow timbering. Much of our land was purchased with a promise that it would be multi-use, it would be for recreation, it would be for natural resource supply. Today, that promise has been broken.

While we own all this land, our National Park Service and our Forest Service facilities, our Bureau of Land Management facilities and our Fish and Wildlife Service facilities have never been in greater disrepair, because we are on a land-buying grab. We are in the process of buying land and not maintaining the land we have. Many of these things and many more are the reasons why rural America has not prospered under this administration, and it needs new leadership in Washington if it is to survive.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 50 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2941, LAS CIENEGAS NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–935) on the resolution (H. Res. 610) providing for consideration of the bill (H.R. 2941) to establish the Los Cienegas National Conservation Area in the State of Arizona, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2311, RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–936) on the resolution (H. Res. 611) providing for consideration of the Senate bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFLEY (at the request of Mr. ARMEY) for today and October 5 on account of illness.

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of a family illness.

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. DIXON) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. KUYKENDALL) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 5.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 5 and 6.

Mr. SMITH of Michigan, for 5 minutes, today and October 5, 10, and 11.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2440. An act to amend title 49, United States Code, to improve airport security; to the Committee on Transportation and Infrastructure.

S. Con. Res. 60. 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 serve aboard her; to the Committee on Government Reform.

S. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States; to the Committee on Government Reform.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled ''The United States Capitol'' as a Senate document; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of following title, which was thereupon signed by the Speaker.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 302. An act for the relief of Kerantha Poole-Christian.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 3, 2000:

H.R. 4115. To authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 3363. For the relief of Akal Security, Incorporated.

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.

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.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, October 5, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10436. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's ''Major'' final rule—Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas [Docket No. FR 4606–1–01] (RIN: 2501–AC75) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10437. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Financial Statements (RIN: 3003–ZA00) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10438. A letter from the Executive Director, Emergency Steel Loan Guarantee Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Participation in Unguaranteed Tranche (RIN: 3003–ZA00) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10439. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to the North Carolina State Implementation Plan; Technical Correction [NC–087–9939; FRL–6881–1] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10440. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised 15% Plan for Northern Virginia Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area [VA088–5051a; FRL–6880–8] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10441. A letter from the Chief, Office of Plans and Policy, Federal Communications Commission, transmitting the Commission's final rule—Compatibility Between Cable Systems And Consumer Electrontics Equipment [PP Docket No. 00–67] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10442. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material (RIN: 3150–AF22) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10443. A letter from the Director, International Cooperation, Office of the Under Secretary of Defense, Department of Defense, transmitting a copy of Transmittal No. 13–00 which constitutes a Request for Final Approval for the project arrangement with Australia concerning Advanced Armament Technologies (''Metal Storm Project''), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10444. 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 113–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10445. 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 117–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10446. 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 096–00], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10447. A letter from the Director, Federal Emergency Management Agency, transmitting the revised Strategic Plan FY 2000 Through FY 2006; to the Committee on Government Reform.

10448. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

10449. A letter from the Chairman, National Labor Relations Board, transmitting the Office of the Inspector General Fiscal Year 2000 A–76 Submission Annual Inventory Submission as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

10450. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the National Labor Relations Board's Strategic Plan for Fiscal Years 2000 through 2002; to the Committee on Government Reform.

10451. A letter from the Director, National Science Foundation, transmitting the Government Performance and Results Act Stategic Plan for FY 2001–2006; to the Committee on Government Reform.

10452. A letter from the Commissioner, Social Security Administration, transmitting a

copy of the strategic plan entitled, ''Mastering the Challenge''; to the Committee on Government Reform.

10453. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Landing Requirements for Passengers Arriving From Cuba [INS No. 2045–00] (RIN: 1115–AF72) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10454. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Agency, transmitting the Agency's final rule—Adjustment of Civil Penalties for Inflation Miscellaneous Administrative Changes (RIN: 3150–AG59) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10455. A letter from the the Assistant Secretary of the Army, the Department of Defense, transmitting a notification from the Secretary of the Army supporting the authorization and, subject to the Sacramento Area Flood Control Agency adopting and enforcing measures which would preserve the project's level of flood protection, plans to implement the South Sacramento County Streams through the normal budget process; (H. Doc. No. 106—298); to the Committee on Transportation and Infrastructure and ordered to be printed.

10456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii [Docket No. 27919; Special Federal Aviation Regulation (SFAR 71) (RIN: 2120–AG–44) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10457. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of New York, and Final Rule [FRL–6881–9]—received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10458. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—amending the NASA Federal Acquisition Regulation Supplement (NFS) to conform to changes made in the Federal Acquisition Regulation (FAR) by Federal Acquisition Circular (FAC) 97–19 and make editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10459. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Implemention of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R–370P) [T.D. ATF–429; Ref: T.D. ATF–424, T.D. ATF–424a, T.D. ATF–427 and Notice No. 889] (RIN: 1512–AB92) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 5136. A bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds (Rept. 106–931). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 5018. A bill to amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes; with an amendment (Rept. 106–932). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. House Resolutions 596. Resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; with an amendment (Rept. 106–933). Referred to the House Calendar.

Mr. YOUNG OF Alaska: Committee on Resources. H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; with an amendment (Rept. 106–934). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona (Rept. 106–935). Referred to the House Calendar.

Mr. GOSS. Committee on Rules. House Resolution 611. Resolution providing for consideration of the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Services Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes (Rept. 106–936). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 5377. A bill to amend the Immigration and Nationality Act to extend the limitation on waivers granted under section 212(h) of that Act to aliens unlawfully present in the United States; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5378. A bill to amend the Immigration and Nationality Act to clarify the special rule relating to continuous residence or physical presence under section 240A(d) of that Act; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5379. A bill to amend the Immigration and Nationality Act to clarify the provisions applicable to arrest, detention, and release of criminal aliens pending removal decisions; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 5380. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. FLETCHER (for himself, Mr. EWING, Mr. BOUCHER, Mr. WHITFIELD, Mr. LEWIS of Kentucky, and Mr. MCINTYRE):

H.R. 5381. A bill to provide for a more restrictive tariff-rate quota on imports of tobacco; to the Committee on Ways and Means.

By Mr. FLETCHER (for himself, Mr. EWING, Mr. BOUCHER, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mr. MCINTYRE, and Mr. GOODE):

H.R. 5382. A bill to allow the Secretary of Agriculture to use existing authorities to provide export promotion assistance for tobacco and tobacco products of the United States; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska:

H.R. 5383. A bill to amend the child and adult care food program under the Richard B. Russell National School Lunch Act to provide alternative reimbursement rates under that program for family or group day care homes located in less populous areas; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. LAZIO):

H.R. 5384. A bill to establish a pilot program to encourage the use of alternative fuel vehicles in public transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. STUPAK, Mrs. MYRICK, Mr. RAHALL, Mr. ADERHOLT, Mr. BAKER, Mr. SHIMKUS, Mrs. EMERSON, Mr. SCHAFFER, Mr. DEMINT, Mr. DOOLITTLE, Mr. WAMP, Mr. ISTOOK, Mr. HILLEARY, Mr. BURR of North Carolina, Mr. TANCREDO, Mr. VITTER, Mr. PICKERING, Mr. ENGLISH, Mr. HAYES, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mr. PITTS, Mr. DICKEY, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. LARGENT, Mr. SOUDER, Mr. TIAHRT, Mr. HAYWORTH, Mrs. CHENOWETH-HAGE, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. RYUN of Kansas, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. JONES of North Carolina, Mr. MANZULLO, and Mr. SHADEGG):

H.R. 5385. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486; to the Committee on Commerce.

By Mr. ISAKSON (for himself, Mr. TANNER, Mr. NORWOOD, and Mr. KINGSTON):

H.R. 5386. A bill to amend the Internal Revenue Code of 1986 to provide economic relief to farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 5387. A bill to provide a transition for railroad workers to the Social Security Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. SAXTON, Mr. BLILEY, Mr. BOUCHER, Mr. DAVIS of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. MORAN of

Virginia, Mr. PICKETT, Mr. SCOTT, Mr. SISISKY, and Mr. WOLF):

H.R. 5388. A bill to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the ''Herbert H. Bateman Educational and Administrative Center'' to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. PACKARD, and Mr. FILNER):

H. Con. Res. 417. Concurrent resolution expressing the strong support of Congress that the Federal Energy Regulatory Commission execute its fundamental responsibility to reform the unjust and unreasonable electric power rates in California immediately; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 515: Mr. FARR of California.
H.R. 595: Mr. ANDREWS.
H.R. 842: Mr. COYNE.
H.R. 919: Ms. NORTON, Ms. SCHAKOWSKY, and Mr. WELDON of Pennsylvania.
H.R. 1228: Mr. DEUTSCH.
H.R. 1271: Mr. BACA, Mr. OBERSTAR, and Mr. TIERNEY.
H.R. 1929: Mr. HOLT.
H.R. 2200: Mr. LAZIO.
H.R. 2631: Mr. DIAZ-BALART.
H.R. 2720: Mr. HASTINGS of Florida.
H.R. 2774: Mr. SANDERS.
H.R. 2892: Ms. CARSON.
H.R. 3192: Ms. WATERS.
H.R. 3677: Mr. HALL of Texas.
H.R. 3766: Ms. WATERS.
H.R. 4003: Mr. WALDEN of Oregon.
H.R. 4274: Mr. PASTOR, Mrs. TAUSCHER, Ms. SLAUGHTER, Mr. BARCIA, and Mr. BECERRA.
H.R. 4277: Mr. WATKINS and Mr. SHERMAN.
H.R. 4279: Mr. WALDEN of Oregon.
H.R. 4308: Mr. ROTHMAN.
H.R. 4330: Ms. CARSON
H.R. 4393: Mr. BENTSEN.
H.R. 4395: Mr. ISAKSON.
H.R. 4594: Ms. WOOLSEY and Mr. BENTSEN.
H.R. 4728: Mr. SMITH of Texas and Mr. HOBSON.
H.R. 4740: Mr. PASCRELL, Mr. HOLDEN, and Ms. KILPATRICK.
H.R. 4750: Ms. WOOLSEY.
H.R. 4780: Mr. SIMPSON and Mr. HASTINGS of Washington.
H.R. 5005: Mr. SAXTON.
H.R. 5068: Mr. YOUNG of Florida.
H.R. 5146: Mr. GOODLATTE.
H.R. 5158: Ms. JACKSON-LEE of Texas
H.R. 5179: Mr. BONIOR and Ms. ROYBAL-ALLARD.
H.R. 5180: Mr. RAMSTAD.
H.R. 5186: Mr. BOSWELL.
H.R. 5194: Mrs. MALONEY of New York.
H.R. 5200: Mr. KINGSTON, Mr. PITTS, and Mr. HASTINGS of Washington.
H.R. 5219: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. HOUGHTON, Mr. MCGOVERN, and Mr. RAHALL.
H.R. 5220: Mr. HALL of Texas.
H.R. 5222: Mr. THOMPSON of California.
H.R. 5242: Mr. HINCHEY, Mr. QUINN, Mr. OWENS, Ms. VELÁZQUEZ, and Mr. LAFALCE.
H.R. 5271: Mr. GREEN of Texas and Mr. DOOLEY of California.
H.R. 5344: Mr. PITTS.
H.R. 5365: Mr. OXLEY, Mr. FOSSELLA, Ms. MCCARTHY of Missouri, and Mr. KIND.
H.R. 5375: Mr. LAFALCE and Mr. MCNULTY.
H. Con. Res. 62: Mr. ROGAN.
H. Con. Res. 337: Mrs. TAUSCHER.
H. Con. Res. 377: Mrs. MALONEY of New York, Mr. MCGOVERN, and Ms. SCHAKOWSKY.
H. Con. Res. 412: Mr. SHAYS.
H. Con. Res. 413: Mr. STEARNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2941

OFFERED BY: MR. HANSEN

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following new text:

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Las Cienegas National Conservation Area established by section 4(a).

(2) ACQUISITION PLANNING DISTRICT.—The term ''Acquisition Planning District'' means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area.

(4) PUBLIC LANDS.—The term ''public lands'' has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) AREAS INCLUDED.—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled ''Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area'' and dated October 2, 2000.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) FEDERAL LANDS.—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) COORDINATED MANAGEMENT.—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled ''Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area'' and dated October 2, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) FOREST LANDS.—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) GRAZING.—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive Orders consistent with the purposes of this Act.

(d) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) MILITARY AIRSPACE.—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) ACCESS TO STATE AND PRIVATE LANDS.—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) HUNTING.—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) PREVENTATIVE MEASURES.—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) NO BUFFER ZONES.—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) WITHDRAWALS.—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

SEC. 6. MANAGEMENT PLAN.

(a) PLAN REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) CONTENTS.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.–

(c) COOPERATIVE AGREEMENTS.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) RESEARCH ACTIVITIES.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

SEC. 7. LAND ACQUISITION.

(a) IN GENERAL.—

(1) PRIORITY TO CONSERVATION EASEMENTS.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) PRIVATE LANDS.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) COUNTY LANDS.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) STATE LANDS.—

(A) IN GENERAL.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, purchase, or eminent domain.

(B) SUNSET OF AUTHORITY TO ACQUIRE BY EMINENT DOMAIN.—The authority to acquire State lands under subparagraph (A) shall expire 10 years after the date of the enactment of this Act.

(C) CONSIDERATION.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the

State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(D) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

SEC. 8. REPORTS TO CONGRESS.

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 4(a).

S. 2311

OFFERED BY: MR. BLILEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.
Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.
Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.
Sec. 503. Technical corrections.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (1), by striking ''demographics of the epidemic in the eligible area involved,'' and inserting ''demographics of the population of individuals with HIV disease in the eligible area involved,''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: '', including providers of housing and homeless services'';

(B) in subparagraph (G), by striking ''or AIDS'';

(C) in subparagraph (K), by striking ''and'' at the end;

(D) in subparagraph (L), by striking the period and inserting the following: '', including but not limited to providers of HIV prevention services; and''; and

(E) by adding at the end the following subparagraph:

''(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.''.

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(5)) is amended by adding at the end the following subparagraph:

''(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

''(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

''(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.''.

SEC. 102. DUTIES OF COUNCILS.

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

''(A) determine the size and demographics of the population of individuals with HIV disease;

''(B) determine the needs of such population, with particular attention to—

''(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

''(ii) disparities in access and services among affected subpopulations and historically underserved communities;'';

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

''(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

''(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

''(iii) priorities of the communities with HIV disease for whom the services are intended;

''(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

''(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of

the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

''(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;'';

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

''(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

''(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

''(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;'';

(5) in subparagraph (F) (as so redesignated), by striking ''and'' at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking ''public meetings,'' and inserting ''public meetings (in accordance with paragraph (7)),''; and

(B) by striking the period and inserting ''; and''; and

(7) by adding at the end the following subparagraph:

''(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.''.

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12) is amended by adding at the end the following subsection:

''(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

''(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(2) for carrying out the duties under subsection (b)(4) and section 2617(b).''.

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

''(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.''.

(d) CONFORMING AMENDMENT.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended by striking ''section 2602(b)(3)(A)'' and inserting ''section 2602(b)(4)(C)''.

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

''(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

''(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

''(B) In accordance with criteria established by the Secretary:

''(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

''(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

''(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

''(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.''.

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended in the first sentence by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome''; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: '', and shall be reported to the congressional committees of jurisdiction''; and

(ii) by adding at the end the following sentence: ''Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).''.

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

''(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

''(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

''(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

''(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.''.

(c) INCREASES IN GRANT.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

''(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

''(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

''(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

''(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

''(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii)), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

''(B) SPECIAL RULE.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

''(C) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

''(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

''(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

''(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for

which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

''(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.''.

SEC. 112. SUPPLEMENTAL GRANTS.

(a) IN GENERAL.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking ''DEFINITION'' and inserting ''AMOUNT OF GRANT'';

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

''(A) IN GENERAL.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.'';

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

''(iv) the current prevalence of HIV disease;

''(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

''(vi) unmet need for such services, as determined under section 2602(b)(4).'';

(5) in subparagraph (C) (as so redesignated)—

(A) by striking ''subparagraph (A)'' each place such term appears and inserting ''subparagraph (B)'';

(B) in the second sentence, by striking ''2 years after the date of enactment of this paragraph'' and inserting ''18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000''; and

(C) by inserting after the second sentence the following sentence: ''Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).''; and

(6) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(b) REQUIREMENTS FOR APPLICATION.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(1)(E)) is amended by inserting ''youth,'' after ''children,''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking ''grants'' and inserting ''grant''.

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) PRIMARY PURPOSES.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) Inpatient case management'';

(4) by inserting after subparagraph (A) the following subparagraph:

''(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''; and

(5) by adding at the end the following:

''(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

''(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

''(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

''(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.''.

(b) EARLY INTERVENTION SERVICES.—Section 2604(b) (42 U.S.C. 300ff–14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) EARLY INTERVENTION SERVICES.—

''(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.''.

(c) PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.—Section 2604(b) (42 U.S.C. 300ff–14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

''(4) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

''(A) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

''(B) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.''.

(d) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

SEC. 122. APPLICATION.

(a) IN GENERAL.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

''(3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease

(including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

''(4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

(b) CONFORMING AMENDMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(B) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)'';

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking ''and'' at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting ''; and''; and

(4) by adding at the end the following paragraph:

''(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff–21(b)) is amended to read as follows:

''(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

''(2) WAIVER.—With respect the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.''.

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State may use'' and inserting ''(a) IN GENERAL.—A State may use''; and

(2) by adding at the end the following subsections:

''(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

''(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

''(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

''(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

''(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

''(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

''(c) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(d) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: '', particularly those experiencing disparities in access and services and those who reside in historically underserved communities''; and

(B) in subparagraph (B), by inserting after ''by such consortium'' the following: ''is consistent with the comprehensive plan under 2617(b)(4) and'';

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following subparagraph:

''(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities.''; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by inserting after subparagraph (C) the following subparagraph:

''(D) the types of entities described in section 2602(b)(2).''.

SEC. 204. PROVISION OF TREATMENTS.

(a) IN GENERAL.—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff–26(c)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

''Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).''.

(b) HEALTH INSURANCE AND PLANS.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended by adding at the end the following subsection:

''(e) USE OF HEALTH INSURANCE AND PLANS.—

''(1) IN GENERAL.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

''(2) LIMITATION.—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).''.

SEC. 205. STATE APPLICATION.

(a) DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

''(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

''(3) a determination of the needs of such population, with particular attention to—

''(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

''(B) disparities in access and services among affected subpopulations and historically underserved communities;''; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking ''comprehensive plan for the organization'' and inserting ''comprehensive plan that describes the organization'';

(B) by striking '', including—'' and inserting '', and that—'';

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

''(A) establishes priorities for the allocation of funds within the State based on—

''(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

''(ii) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

''(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

''(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

''(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse);'';

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting ''describes'' before ''the services and activities'';

(F) in subparagraph (E) (as so redesignated), by inserting ''provides'' before ''a description''; and

(G) in subparagraph (F) (as so redesignated), by inserting ''provides'' before ''a description''.

(b) PUBLIC PARTICIPATION.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking ''HIV'' and inserting ''HIV disease''; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

''(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;''.

(c) HEALTH CARE RELATIONSHIPS.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting ''; and''; and

(3) by adding at the end the following subparagraph:

''(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.''.

SEC. 206. DISTRIBUTION OF FUNDS.

(a) MINIMUM ALLOTMENT.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff–28) is amended—

(1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(B) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome'';

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

''(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.''.

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: ''and then, as applicable, increased under paragraph (2)(H)''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''subparagraph (H)'' and inserting ''subparagraphs (H) and (I)''; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

''(H) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

''(I) with respect to fiscal year 2001, 99 percent;

''(II) with respect to fiscal year 2002, 98 percent;

''(III) with respect to fiscal year 2003, 97 percent;

''(IV) with respect to fiscal year 2004, 96 percent; and

''(V) with respect to fiscal year 2005, 95 percent,

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

(d) TERRITORIES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting ''the greater of $50,000 or'' after ''shall be''.

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking ''(I) APPROPRIATIONS'' and all that follows through ''With respect to'' and inserting the following:

''(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

''(i) FORMULA GRANTS.—With respect to'';

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: '', less the percentage reserved under clause (ii)(V)''; and

(4) by adding at the end the following clause:

''(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

''(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

''(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

''(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

''(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

''(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred to in clause (i) with respect to section 2616, subject to subclause (VI).

''(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.''.

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking ''and the Republic of the Marshall Islands'' and inserting ''the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

''SEC. 2620. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

''(1) be eligible to receive a grant under this subpart;

''(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

''(3) submit the information described in subsection (c).

''(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

''(1) that is not eligible for a grant under part A; and

''(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

''(A) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

''(B) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

''(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(a)(2)(I).

''(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

''(4) DISTRIBUTION.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

''(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

''(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

''(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

''(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

''(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

''(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.''.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f);

(2) by striking sections 2627 and 2628; and

(3) by redesignating section 2629 as section 2627.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

''(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.'';

(2) by amending paragraph (2) to read as follows:

''(2) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

''(B) ALLOCATIONS FOR CERTAIN STATES.—

''(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000—

''(I) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

''(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subclause does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

''(ii) REQUIRED TESTING OF NEWBORNS.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

''(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

''(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

''(iii) MOST SIGNIFICANT REDUCTION IN CASES OF PERINATAL TRANSMISSION.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

''(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and Prevention for the most recent periods for which the data are available).

''(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

''(III) For fiscal year 2005, the four States that have the most significant such reduction.

''(iv) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

''(I) For fiscal year 2001, 33 percent.

''(II) For fiscal year 2002, 50 percent.

''(III) For fiscal year 2003, 67 percent.

''(IV) For fiscal year 2004, 75 percent.

''(V) For fiscal year 2005, 75 percent.

''(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

''(i) Such a grant may not be made in an amount exceeding $4,000,000.

''(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.

''(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

''(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

''(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

''(III) The overall incidence of cases of infection with HIV among women of childbearing age.

''(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

''(V) The higher acceptance rate of HIV testing of pregnant women.

''(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

''(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure.''; and

(3) by adding at the end the following paragraph:

''(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.''.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

''SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

''(a) STUDY BY INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

''(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

''(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

''(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

''(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

''(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

''(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).''.

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

''Subpart III—Certain Partner Notification Programs

''SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

''(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

''(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

''(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that

treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

''(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

''(3) The program under paragraph (1) is carried out in accordance with the following:

''(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

''(B) The State does not inform partners of the identity of the infected individuals involved.

''(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

''(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

''(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

''(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

''(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

''(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

''(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

''(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

''(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

''(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE; PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

(a) REPEAL.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''; and

(3) in section 2664—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended by adding at the end the following subsection:

''(d) CERTAIN AREAS.—Of the applicants who qualify for preference under this section—

''(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

''(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.''.

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) IN GENERAL.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(1)) is amended by striking ''planning grants'' and all that follows and inserting the following: ''planning grants to public and nonprofit private entities for purposes of—

''(A) enabling such entities to provide HIV early intervention services; and

''(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).''.

(b) AMOUNT; DURATION.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(5)), as redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''in each of'' and all that follows and inserting ''for each of the fiscal years 2001 through 2005.''.

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff–62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''counseling on—'' and inserting ''counseling—'';

(2) in each of subparagraphs (A), (B), and (D), by inserting ''on'' after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking ''(C) the benefits'' and inserting ''(C)(i) that explains the benefits''; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.''.

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3)—

(A) by striking ''7.5 percent'' and inserting ''10 percent''; and

(B) by striking ''and'' after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) the applicant will provide for the establishment of a quality management program—

''(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

''(B) to ensure that improvements in the access to and quality of HIV health services are addressed.''.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND

CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

''(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients.''; and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.''.

(e) ADMINISTRATIVE EXPENSES.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff–71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''training'' and inserting ''to train'';

(ii) by striking ''and including'' and inserting '', including''; and

(iii) by inserting before the semicolon the following: '', and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease'';

(B) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.''.

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

''(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.'';

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''the section referred to in paragraph (1)(B)''; and

(3) by inserting after paragraph (4) the following paragraph:

''(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(2)) is amended to read as follows:

''(2) DENTAL SCHOOLS.—

''(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

''DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

''SEC. 318B. For the purpose of collecting and providing data for program planning and evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.''.

SEC. 413. COORDINATION.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff–75) is amended—

(1) by amending subsection (a) to read as follows:

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease.''; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section),

by inserting ''and prevention services'' after ''continuity of care'' each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

''(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.''.

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended by inserting after section 2675 the following section:

''SEC. 2675A. AUDITS.

''For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.''.

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

''SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

''(a) COORDINATED DISBURSEMENT.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

''(b) BIENNIAL APPLICATIONS.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

''(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.''.

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(b) PART B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) ISSUES TO BE CONSIDERED.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) OTHER ENTITIES.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) REPORT.—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a ''rapid HIV test'').

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) GUIDELINES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

SEC. 503. TECHNICAL CORRECTIONS.

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in section 2605(d)—

(A) in paragraph (1), by striking ''section 2608'' and inserting ''section 2677''; and

(B) in paragraph (4), by inserting ''section'' before 2601(a)''; and

(2) in section 2673(a), in the matter preceding paragraph (1), by striking ''the Agency for Health Care Policy and Research'' and inserting ''the Director of the Agency for Healthcare Research and Quality''.

(b) RELATED ACT.—The first paragraph (2) of section 3(c) of the Ryan White Care Act Amendments of 1996 (Public Law 104–146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking ''by inserting the following new paragraph:'' and inserting ''by inserting before paragraph (2) (as so redesignated) the following new paragraph''.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: ''A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.''.

SENATE—*Wednesday, October 4, 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 Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, help us to live beyond the meager resources of our adequacies and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our strength and experience. We know that in every circumstance, You provide us with exactly what we need.

Looking back over our lives, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels of adventure and leadership. You are the disturber of false peace, the developer of dynamic character, and the ever present deliverer when we attempt what we could not do on our own.

May this be a day in which we attempt something beyond our human adequacy and discover that You are able to provide the power to pull it off. Give us a fresh burst of excitement for the duties of this day so that we will be able to serve courageously. Indeed, we will attempt great things for You and expect great things from You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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. ALLARD). The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will resume consideration of the conference report to accompany H.R. 4578, the Interior appropriations bill. It is hoped that all debate and a vote on the conference report can be completed by midafternoon. Following the disposition of the Interior appropriations legislation, the Senate may begin consideration of any other conference report available for action or the continuing resolution which continues Government funding through October 14. I encourage those Senators with statements regarding the Interior appropriations conference report to come to the floor as soon as possible during today's session. I thank my colleagues for their cooperation.

I believe Senator SCHUMER has asked to be recognized upon the conclusion of my remarks. I also believe Senator GORTON, who will be managing the Interior appropriations bill, is expected to come over and may ask to interrupt the presentation at that time.

Mr. REID. Mr. President, if the Senator from Alaska will yield, it is my understanding the Senator from Alaska requires about 25 minutes to speak as in morning business.

Mr. MURKOWSKI. I am not sure what my time is. I would like to be allotted enough time to complete my presentation. I imagine it would be within that general timeframe. I will try to get to the point because I know there are other Members who want to be heard this morning.

Mr. REID. Mr. President, we are going to the Interior appropriations bill. I ask unanimous consent that whatever time is consumed by the Senator from Alaska, we be allowed the same amount of time to speak as in morning business on this side, with the Senator from New York requiring 15 minutes, and I would reserve whatever time is remaining to keep up with the time the Senator from Alaska uses.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, what is the allotted time for morning business today?

The PRESIDING OFFICER. There is no allotted time.

Mr. MURKOWSKI. I gather that the minority whip would like equal time.

Mr. REID. Yes.

Mr. MURKOWSKI. I have no objection.

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

THE PRESIDENTIAL DEBATE AND ENERGY POLICY

Mr. MURKOWSKI. Mr. President, like millions of Americans last night, I watched the Presidential debate with a great deal of interest. It was one of the more memorable debates in recent history for a number of reasons.

First, of course, as a Republican, I was very proud of the job that Governor Bush did. It is probably fair to say that he was matched against a very experienced debater, Vice President GORE, but I think the Governor held his own in many respects. From the broad issues of prescription drugs to Medicare, education to energy, Governor Bush very clearly laid out what the choice is for the American people in this election.

Governor Bush engaged the issues. They were not dodged. The Governor was clear in laying out the goals and objectives he would propose in his administration, if he were elected President.

I was particularly pleased with the debate because it focused on energy, which is one of the crucial issues facing the American people today and has probably received the least publicity. Obviously, in the areas of education, prescription drugs, health, and Social Security, we are all trying to build a better structure, a long lasting structure, and also address what to do with the surplus.

But the issue on energy is quite clear. We have a crisis in this country. It has developed over a period of the last 7½ years. It has not been addressed by the current administration. I am very pleased that we have, in the energy area, a distinct separation on the issues between the candidates, and the American public can clearly understand and, as a consequence, view the merits of each proposal.

The Vice President said, in regard to a question on energy policy, and I quote:

I am for doing something on the supply side and the consumption side.

I have no doubt that that is the case, but I point out in the past 8 years we haven't had any indication of specifically what the Vice President would do on these issues. As a consequence, I think he is headed in the wrong direction, and the American public are becoming more and more aware.

What we have seen happen is the emergence of an issue that in many respects our friends on the other side of the aisle hope will go away or not become a major issue prior to the election. With the increasing rise in crude oil—10 days ago it was up to an all-time high in 10 years of $37; it dropped down with the SPR release; now it is coming up again—the American public is becoming aware of how crucial not our dependence on imported oil necessarily is but the general concern that

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

we have sacrificed our traditional areas of dependence on energy, whether it be coal, nuclear, or hydro, for a policy that has been fostered by this administration that directs everything towards utilization of natural gas.

As a consequence, we have seen the price of natural gas rise from $2.16 per thousand cubic feet 10 months ago to better than $5.00 in the last quotes that have come out within the last couple weeks. We have seen a tremendous increase in the dependence on natural gas at the expense of all our other energy sources.

This has occurred over an 8-year period of time. During that time, Clinton-Gore have to stand accountable for what they have done. On the supply side, the Vice President has done something. It is a situation that the supplies have decreased 18 percent and on the consumption side, consumption has increased 14 percent. In spite of our efforts for conservation, in spite of our efforts in alternative energy, we have a decreased supply and an increased consumption.

I was astonished when the Vice President said in his response to a question on energy policy, and again I quote:

> We need to get serious about this energy crisis in the Congress and in the White House.

Where has he been for the last 7½ years? While I don't agree with him in terms of Congress not being serious, I was glad to see they finally admitted it was not an issue taken seriously in the White House for the past 7½ years. That was certainly the implication.

We have had statements from our Secretary of Energy relative to the fact that the administration was caught napping with regard to energy prices, as we have seen the price of oil go from $10 a barrel a year ago to $37 within the last few weeks.

Now, I think, while it didn't come up in the debate last night specifically, there was a generalization to blame big oil. Well, who is big oil, Mr. President? Who sets the price of oil? We had a hearing before the Energy and Natural Resource Committee, which I chair. It was rather interesting because the Secretary of Energy did acknowledge that it is OPEC, the supplier, setting the price of oil. We are 58-percent dependent on OPEC. Who is OPEC? The Mideast countries that have the excess capacity, such as Saudi Arabia, Kuwait, and moving down to Central America is Venezuela, and then we also have Mexico. They have the supply; we have the appetite. They set the price. So to blame big oil for profiteering, or to make the implication of profiteering, is totally unrealistic and a bit irresponsible, in my opinion. There is no mention, of course, in general terms of the assumption that perhaps our oil industry was simply benevolent when they were selling at $10 a barrel a little more than a year ago. They are not so benevolent now because, obviously, they don't set the price. It is a supply and demand issue.

When the Vice President said we needed to get serious about the energy crisis, I think it is apparent that there has been a lack of attention during this in the administration, because Congress has acted. Specifically, Congress passed legislation granting deep water royalty relief. Congress passed legislation to help our domestic oil and gas industry through tax incentives, which they vetoed. Congress passed legislation that would handle the country's nuclear waste, which they vetoed. Congress passed legislation to open up the Coastal Plain of ANWR—that sliver in the Arctic—to responsible development, which they vetoed. That was 6 years ago. Had they passed that legislation, we would know what is there. We could have another strategic petroleum reserve, and we don't know that. We would be a long way into the development stages if indeed the oil were there. I venture to say, Mr. President, if we made a commitment to proceed with the Arctic oil reserve, you would see a dramatic drop in the price of oil.

One of the other interesting things the Vice President brought up was the implication that we hadn't done anything, or not enough, with renewables. In the last 5 years under the Republican Congress, expenditures for renewables have been $1.5 billion in new spending and $4.5 billion in various tax incentives. So Congress anteed up about $4.6 billion total for that purpose. The difficulty is that we simply don't have the technology to replace our oil dependence with coal, natural gas, and hydrogen.

Let's not be fooled. It is not just around the corner. The Vice President said last night he is a big clean coal fan. Well, what does that really mean? You would assume he would support the development of coal-fired generating plants in this country. There hasn't been a new one built in years. The administration's budget over the last 5 years has proposed to rescind or defer more than $1.4 billion in clean coal technology. Those are the facts.

How can you be all things to all people? Well, Vice President GORE implies he is pretty good at that. Let's talk a little bit about the facts because part of the issue that came up on energy was the disposition of the Coastal Plain in Alaska, the State I represent. I know something about it. I have been to the coastal plain many, many times. I think once again we saw the Vice President in trouble with the facts. This is what he said regarding the Arctic Coastal Plain, and I quote:

> I think that is the wrong choice. It would only give us a few months' worth of oil, and oil would not start flowing for years into the future.

Well, the facts are, according to the Department of Energy—the Clinton-Gore Department of Energy—this area could be the largest field ever discovered in North America—possibly 16 billion barrels of recoverable oil. If that high estimate of oil is found, it could produce over 20 percent of our current domestic production levels for the next 20 years. If the high estimate is found, it would be larger than Prudhoe Bay, which has been doing just that—producing 20 to 25 percent of our oil for almost the last 25 years.

I am not surprised that Vice President GORE has a problem with the facts on this issue. One need only read his official position on why he wants to ''protect the Arctic Coastal Plain'' to see that he is terribly misinformed. He says, ''The wildlife refuge's Coastal Plain—where drilling would occur—is home to polar bears, grizzlies and black bear, Dall sheep, wolves and moose.''

I know something about this area. I assure you there are no black bears and no Dall sheep in the Coastal Plain. Dall sheep are a mountainous species, and perhaps some Members in this body would have you believe otherwise, but there are no mountains in the Coastal Plains. It is very flat for miles and miles and miles.

What did Governor Bush say? Well, Governor Bush said it is better to produce energy here at home, where we can do it in an environmentally sound manner than to continue relying on imported sources of energy. I particularly agree that it is better that we explore at home, using our technology and environmental sensitivity, and do it right, rather than going over to the rain forests in Colombia, where there are no environmental constraints and they would ship it into this country on foreign tankers, which have the exposure to an accident off our shores by companies that don't have the deep pockets associated with the tragic accident that occurred in my State. Nevertheless, it seems as if this administration would continue to rely on the likes of Saddam Hussein for our energy security. That is about where we are.

I am going to conclude my presentation this morning on one segment of our energy policy that needs clarification. It is an issue that the environmental community has perpetrated on our American citizens; that is, that there is something extraordinarily unique, and there is something that, by its implication, suggests that we cannot explore and, if we find hydrocarbons, develop them safely. That is the argument over ANWR—or, as we refer to it, the Coastal Plain—a small portion of the area which is proposed to be opened for exploration and can only be done by the Congress of the United States.

Before I go into it, I think the public should be aware of another fact that has come up. You will recall the other day the Vice President recommended to the President that we release crude

oil from the Strategic Petroleum Reserve, about 30 million barrels. That 30 million barrels was estimated to be a supply of heating oil, after it was refined, that would equal about a 3-day supply. I think it was about 3 or 4 million barrels of heating oil we would get out of that release.

I think it is also interesting to recognize that in the wintertime we consume about 4 million barrels of distillate—including heating oil a day. What I can't understand is the reality that we are exporting heating oil—heating oil that ordinarily you would assume would be going into inventories to meet the anticipated winter demand for heating oil in the Northeast Corridor. More than 117,000 barrels per day of distillate, as I understand it, are being shipped over to Europe and other places.

If the President has the power—which he certainly and evidently has taken—to remove oil from the SPR, why would he not prohibit the export of any heating oil refined from that oil? It is diesel that is going overseas currently. It doesn't make sense. I will have more information specifically, but they seem to have overlooked this in their euphoria to get the word out that indeed they are doing something positive about the shortage in the Northeast Corridor for heating oil, and the fact we are allowing a refined product to go to Europe is unconscionable and certainly goes against the argument that we needed to release oil from SPR.

Let me get into my presentation this morning because I want to try to communicate what this issue is about—ANWR, what are the facts and what is the fix. Hopefully, we can address that this morning since this issue has been brought up in the Presidential debates and clearly is attracting the attention of the American people, many of whom simply don't have an appreciation because they have never been there.

My State of Alaska is a pretty big piece of real estate. It is one-fifth the size of the lower United States. If you overlay Alaska over the entire lower United States, it will range from Canada to Mexico and Florida to California over to the Aleutian Islands 1,000 miles out to the west.

This little portion up here of our State is called the Arctic National Wildlife Refuge—perhaps inaccurately named because not all of it is a refuge nor all of it a wildlife area. There is an area that was carved out by Congress in 1980. In their wisdom, Congress took this area, which is 19 million acres—the size of the State of South Carolina—and said let's make a wilderness out of part of it and a wildlife refuge out of the other part. They took 8.5 million acres and made a wilderness in perpetuity; it is not going to be changed. They made another 9 million acres into what we call a refuge. But they left this area called the Coastal Plain, or the 1002 area, out of any permanent land designation until Congress made its determination as to its status.

During this time, there were certain activities with regard to oil and gas exploration, and it was suggested that there might be a significant reserve in this general area.

As you know, Prudhoe Bay is here—not too far away. That is where we have been producing about 25 percent of the total crude oil produced in this country. We built an 800-mile pipeline down to Valdez where the oil flows and moves down to the west coast of the United States. This infrastructure is already there. There was a construction project of about $7.5 billion to $8 billion, the largest construction project ever built in North America. It was designed to handle a little better than 2 million barrels of crude oil a day. Currently it is handling a little over 1 million barrels a day. So there is an unused capacity in existence there for over 1 million barrels a day. It would require no further adjustment of any kind.

The idea here is, should we allow exploration in this area and put it up for Federal leases? If we do, can we do it safely?

Of course, the proposal in Governor Bush's energy presentation is to take the revenue of some $3 billion anticipated from Federal leases as well as the federal royalty share and put that back into conservation issues, renewable energy technologies, home heating, and weatherization programs; in other words, take the revenue and try to do something positive for people to lower costs associated with high energy costs.

That is a significant step that suggests we can use the revenue which the private sector will pay and do something very positive with it, and address, if you will, environmental issues that need regeneration in other parts of the country with this revenue. The whole question, of course, is the status of this area and whether Congress is going to see fit to open it up.

I am going to go through the arguments because I think they really mandate an understanding so that there can be an appreciation of the merits of this. The first argument that is used in the fictional sense is the assumption that 95 percent of this area is already open to oil development.

Here is the area we are talking about. Only a part of the 1,500 mile Arctic Coastline is left open for possible development. Only 14 percent of the whole 1,500-mile Coastal Plain in Alaska is open to oil exploration today—not 95 percent but 14 percent.

Here is the area. This is closed. This area is open. Some of this happens to be State lands. And, except for a small part of the coastline, the coastline of the national petroleum reserve is closed clear over to Point Hope. To suggest that 95 percent of the area is already open is totally inaccurate.

I will certainly look forward to a spirited debate on this subject if somebody wants to take me up on it, including members of the environmental groups.

We also have 8 million acres of ANWR, as I have indicated, in a permanent wilderness. Another 9.5 million acres is classified as refuge; that is, 95 percent of the entire range is closed to exploration and oil development. It is closed.

Using modern technology—there is the point I want to highlight—the indications are that we would need only 2,000 acres out of the 19 million acres to develop the proposed oil fields that are believed to exist in the ANWR Coastal Plain. That is a pretty small footprint when you consider this ANWR area is about the size of the State of South Carolina. We are talking about a 2,000-acre footprint, if given the opportunity. That is about one-tenth of 1 percent of the 1.5 million acres, the 1002 area, and only 1 and one-hundredth percent of the entire 19-million acre ANWR area.

These are the misconceptions that have been forced on the American people relative to the significance of what development could take place, how small the footprint is, and how large overall the area is, and little attention has been given to the infrastructure that is already there.

I also remind people that this is not an untouched area. There is a distant early warning radar site there. There is a Native village of Kaktovik right in the middle of it where nearly 300 Eskimo people make their living and pursue a subsistence lifestyle. It is interesting to note that about 70 percent of the people in the village support opening the area because they want to have an opportunity for an alternative standard of living and lifestyle: Should they choose to foster just subsistence, or should they pursue opportunities for jobs.

Another fiction is that opening up the Coastal Plain would destroy the biological part of the wildlife refuge. That really sounds good. But let's look at it for a minute.

The Coastal Plain can be opened to development without harm to the wildlife and the environment. Even the Eskimo inhabitants of Kaktovik who depend on subsistence hunting and fishing to eke out their living in the far north are convinced that oil development can be done safely, because of the safeguards, without harm to their land and the wildlife on which they depend for their heritage.

Under legislation I have proposed, No drilling or development activities would be allowed during the caribou calving season. Limits would be placed

on exploration, development, and related activities to avoid impacts on fish and wildlife. Initial exploration efforts would be limited to a time between November and May—the Arctic winter—to guarantee that there would be no impact from exploration, pipelines, or roads on the caribou.

Let's look at some descriptive charts that give you an idea about the success of developing this area from what we have learned in Prudhoe Bay.

Here is the Prudhoe Bay area. These are not mannequins, these are real caribou. They are wandering around, and nobody is disturbing them. You cannot take a gun. There is no shooting allowed. There is no taking of game in the entire oil fields. These animals are very adjustable as long as they are not harassed. Clearly they are not harassed.

There is a picture of the caribou herd that happens to be going through Prudhoe Bay area.

The same thing is true with regard to other wildlife. This is the pipeline going to Prudhoe Bay. You can see the Arctic tundra over here. It is a pretty time. It is a wintertime picture.

There are three bears here. It is kind of comical because the bears are walking on the pipeline. Why? Because it is easier to walk on the pipeline than to walk in the snow. They are as smart as the average bears around here. In any case, it is a little warmer too. To suggest that somehow these animals are going to be fenced out because of some activity just isn't supported by any burden of proof.

We are trying to give some factual, real-life issues associated with development in the Arctic and what steps we take to protect the environment and ensure we are not going to have difficulties associated with the wildlife.

I also want to show you a little effort by our Canadian friends on this side when they begin to initiate an aggressive oil and gas exploration program in the Arctic.

This is the boundary between Canada and Alaska. This is the Northwest Territory. We see various villages. The dots represent oil wells that have been drilled for exploration purposes. Here is the village of Old Crow, just on the Canadian side of the Alaska-Canadian border.

My point is to show the extent of drilling on the Canadian side in the search of oil and gas. Unfortunately, they didn't find any oil and gas. This is also the route of the porcupine caribou herd. They move through the range and traverse the area. Incidentally, they cross a highway, the Dempster Highway. The Canadian Government, when they found there was no oil, decided to make it a park. As a consequence, it is a park today; that is fine. But to suggest that somehow this activity would have some effect on the migration pattern certainly proves it didn't have much of an effect, and the highway and the caribou traversing it did not have an effect on the herds. In the proposals we have for development in Alaska, the technology today is very different.

This photograph gives an idea of the development of an oil well in Alaska today. There are no roads, no gravel. This is an ice road. That is the technology used. They build up the ice and use it as a road. This is a well. You can see the Arctic Ocean. It is a pretty tough area. It has its own uniqueness, its own beauty, but is a very hostile environment.

When exploration activity is completed, this is the picture we have during the short summer. It is the same area. There is no despoiling of the tundra. This represents the technology that is available today.

The Coastal Plain has been declared America's last wilderness. It is not wilderness. However, an awful lot of our State is wilderness. We have 56 million acres of wilderness. The point is we protect the wilderness. We can protect these areas.

In our State less than 1 percent of the entire State, 365 million acres, is in private ownership and available for development. We have 192 million acres of parks, preserves, conservation system units. As I have said, there are 56 million acres of wilderness, 61 percent of all American wilderness. How much is enough? I am not here to debate. Wilderness in Alaska already covers an area equal to Pennsylvania, New Jersey, West Virginia, and Maryland.

Further in the Coastal Plain lies this village of Eskimo people. This picture demonstrates what it is like to take a walk on the North Slope in the wintertime. There are a couple of kids in the village walking down the street. It is blowing snow. Aren't these kids entitled to a different lifestyle, should they wish? The answer clearly is yes. When they say there has been nothing in this area, they are misleading. It is inaccurate. This is the wilderness, this is the refuge, this is what Congress is debating, and this is where the oil is likely to occur in the footprint of 2,000 acres.

Some suggest it is only a 90-day, or a 200-day supply of oil. Prudhoe Bay was estimated to produce 9 billion barrels. It has produced over 12 billion barrels today. It is still producing over a million barrels a day. When we look at potential production, we are looking at the potential of 16 billion barrels. When we talk about a 200-day supply, we assume there will not be any oil produced from any other source. It is a fictional argument.

I have talked about the caribou, but I want to show again the significance of this with regard to Prudhoe Bay. This picture is a different herd than exists in the ANWR area. This is the central arctic herd. There is no indication that an environmentally responsible exploration will harm the porcupine caribou which, I might add, is 129,000 now. As a matter of fact, we have about three times as many caribou in our State as we have people—not that that is anything significant, but it is a fact. We have had 26 years in Prudhoe Bay of protecting these animals. The central herd has grown from 3,000 animals in 1978 to 19,700 today. That is a fact.

These arguments suggesting somehow we will decimate the wildlife simply is not based on any accurate information. It is an emotional argument. This is one of the travesties that has been taking place—exploiting the American public to suggest we cannot open this area safely. Why has the environmental community pursued this? It generates membership. It generates dollars, gives them a cause, and it is so far away people cannot see for themselves. I can't say how many ''experts'' in this body have opinions but have never been there. Their material is written by the Wilderness Society. It is written by the Sierra Club.

Caribou will flourish in ANWR as they have throughout Alaska. In these areas, no hunting will be allowed by anyone other than a Native.

We have heard a good deal from the Gwich'in group, the group of Natives on the Canadian and the Alaskan side. The suggestion is this will destroy their culture. Nothing will prevent the caribou herd from passing close to the Gwich'in villages. That is where they yearly hunt, when they come through. They will continue to have the availability of the caribou for their subsistence. Strict controls are planned to prevent disruption of the caribou herds during the summer calving. The caribou calve in the northern area, but they calve, depending on weather schedules, snowfall, bugs, and predators—sometimes they calve on the Canadian side; sometimes they calve on the Alaskan side. The point is, the Gwich'in group that is dependent will be protected as a consequence of ensuring that there is no activity on the Arctic Slope during the time of the migration. That can be simply asserted by regulations, and we have agreed to do that.

It is interesting to note that the Gwich'in group, 15 years ago, issued a request for a proposal to lease their own land, about 1.7 million acres for oil development. Maybe the oil companies should have bought. Unfortunately, there wasn't any oil. As a consequence, the leases were not taken up. Now the Gwich'ins are entitled to change their mind, and that is what they have done.

The truth is, they are funded by the Wilderness Society. They are funded by the Sierra Club. We have tried time and time again to encourage some of the Gwich'ins to go from their traditional area and go to Point Barrow and see what the Eskimos think of resource

development associated with oil and gas.

I recall one of my friends took a group up. He is an Eskimo from Barrow. He said he used to go to school to keep warm. But before he did, he had to go to the beach to pick up driftwood that flowed down the river—no trees, but driftwood, to keep warm. He says: We have an alternative lifestyle now. We have a choice. We can take a job. We have educational opportunities.

They are able to provide a full 4-year college scholarship to any member of their community who wants to go. They can do that because they have revenues associated with their Barrow's taxing base on the oil pipeline. So it has brought about an alternative in lifestyle and a choice that people previously did not have.

These people are entitled to the same things to which you and I are entitled, if they so choose. So when you look at these kids, look at whether or not they want to continue to rely on the subsistence economy, following game, or whether they want an opportunity to have a college education and come back, maybe, as a doctor or nurse or whatever. They are given this opportunity through activities associated with creating the tax base of their communities. Should they not be heard as well?

I was amused at the inconsistencies associated with the environmental community. The Audubon Society currently holds leases in the Paul J. Rainey Wildlife Preserve in Louisiana. They hold oil leases. They generate revenue. There is nothing wrong with that, but it is an inconsistency they do not care to acknowledge or admit. If it is OK for the Audubon Society to have revenues from oil in a preserve, the Paul J. Rainey Wildlife Preserve in Louisiana, why shouldn't the Natives of my State have the same opportunity for their own land? It seems to me there is certainly justification.

There is another myth: Canada has protected their wildlife; we should do the same. We went through that. The Canadians finally created a national park, but they did so only after extensive exploration failed. The Canadians drilled 89 exploration wells on their side with no success. They also extended the Dempster Highway, cutting across the center of the Porcupine caribou herds' route.

Another fiction we hear all the time: Oil exploration would destroy polar bear habitat. Doesn't that sound terrific? The reality is polar bears den on the Arctic ice pack, not on land. The administration has positively identified only 15 polar bear dens on the entire Coastal Plain for an 11-year period; that is one or two dens a year. We have a healthy population of polar bears, estimated at about 2,000. The reason is we do not shoot them. You can go to Canada and take a polar bear for a trophy. You can go to Russia. You can't do it in the United States. The only people who can take polar bear are the Native people for subsistence. The environmentalists don't tell you that.

However, they do tell you Prudhoe Bay has been littered with chemical and oil spills, the Arctic having been despoiled by three or four—whatever figure they want to use. But the figure that is accurate is 17,000 spills since 1970. That is the accurate figure. How can you have those spills with such a pristine environment? The fact is, as a consequence of the environmental oversight and requirements, every spill of any material—even if it is fresh water—has to be reported; any spill that is how you get 17,000 spills.

For example, in 1993 there were 160 spills involving 60,000 gallons. Before you jump to conclusions, only 2 spills involved oil. Roughly 9.5 gallons of oil were spilled from a leaky valve. Any oil and chemical spills have almost always been confined to frozen gravel pads where they are easily cleaned up. Moving more than 1 million barrels of oil a day, everyday, from the ground, through the pipe and onto ships—9.5 gallons of oil spilled. I think that is a remarkable record. Prudhoe Bay is the finest oil field in the world bar none. We send kids up from Anchorage and Fairbanks to pick up the few papers that happen to blow around. It is a summer job.

Another fiction: Producing more oil would simply cause Americans to buy more gas-guzzling cars and defeat conservation efforts. America does need to be more energy efficient. It does need to develop more alternative fuels. Even with increased energy efficiency and conservation, our energy demands are forecast to increase 30 percent by the year 2010. By then, America will be producing just 5.2 million barrels of oil per day. We will be forced to import 65 percent of our oil needs. This certainly poses a threat to our national security. We would need 30 giant foreign-flagged supertankers a day, more than 10,000 a year, coming into our ports to import the oil we need. That creates much more environmental risk than developing our own resources where we have the tough environmental requirements.

The vast majority of Americans oppose disturbing the Alaska Arctic National Refuge—that is what the environmentalists would have you believe. Americans strongly support responsible development when they know the facts about it. That is what I have attempted to do today.

I encourage my colleagues to give me an opportunity to debate them if they want to challenge these facts. A poll taken by the Gordon S. Black Corp. said 56 percent of Americans support ANWR leasing; 37 percent oppose; 74 percent of Americans support efforts to produce domestic oil and natural gas. That is what Governor Bush proposed last night—producing more oil here at home and not being dependent on imports. Certainly, most Alaskans support ANWR. The entire congressional delegation, the Democratic Governor, 78 percent of the residents of Kaktovik, this little village, support it.

Some say what are we doing exporting from Alaska? We don't export oil from Alaska. There was some exported when we had surplus oil on the west coast of the United States. That has not occurred for several months.

Finally, they suggest we are a wealthy State, we don't need ANWR. That is a ridiculous argument. We have, in Alaska, the highest cost of living in the nation. We have billions of dollars of unmet infrastructure needs like sanitation for our village's health needs. We have no roads across most of Alaska. We have, probably, the most fragile economy of any State in the Union. We have always depended on resource industries, but our timber industry has been shut down by this administration. We have lost our jobs in Ketchikan and Sitka, our only two year-round manufacturing plants. Our oil and gas jobs are down.

The worst thing is we have had 32,000 young Alaskans leave Alaska since 1992 as a consequence of not having opportunities for these people within our State because we are dependent on developing resources and the Federal Government controls the landmass in our State.

I hope as we continually debate the issues before us as we enter this Presidential campaign, and the issue of energy comes to the forefront, as it should, as a distinct issue between the two candidates, we will have a better understanding of the merits of opening up this area of the Arctic for the relief that is needed in this country today. I predict if this administration would commit to opening up this area for oil and gas leasing, you would see a drop in the price of oil overnight. As a consequence, the belief that America meant business when it said we were going to relieve our dependence on imported oil would mean we would not be subject to the whims of the individual who controls, if you will, the difference between the world's capacity to produce and the world's current demand—which is about 1.5 million barrels with supply being a little over the demand. That one person is Saddam Hussein, in Iraq, who is currently producing almost 3 million barrels a day. The fear is he will cut production. If he cuts production, we will see oil prices go from $37 to probably $60 a barrel. That, coupled with the instability associated with the current spokesperson from OPEC, from Venezuela, who has made certain suggestions that clearly the object of OPEC in Venezuela is to protect the interests of the small countries of the world at the expense of the large consumers of hydrocarbons,

means we have a very unstable situation.

I hope the American people have a better understanding of what has happened in the last 8 years as this current administration has abandoned the traditional dependence on many sources of energy—oil, natural gas, hydrocarbons associated with our coal industry, our nuclear industry and our hydroelectric industry—and clearly focused the future on our energy supply of natural gas.

As a consequence, we have seen what has happened with natural gas. Demand has gone up, and we are in a situation now where other countries are dictating conditions under which we have to pay the price they charge or go without. It is strictly supply and demand. It has been coming for a long time, and the Clinton-Gore administration bears the responsibility for not having a responsible energy policy. That is why I am so pleased to see Governor Bush come forward and acknowledge what has to be done, and among those issues is more domestic production.

The fact he has stated the belief that we can open up this area safely I think deserves full examination and explanation to the American public. That is what I have attempted to do today.

I thank my colleague for the opportunity to speak in morning business. I see the floor leader, Senator GORTON, is on the floor. I believe the pending business is the Interior appropriations bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. Will the Chair inform the Senator from Nevada as to how much time the Senator from Alaska consumed?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Mr. President, that indicates that after the Senator from New York speaks, there will be 25 minutes remaining on this side. Even though it was not part of the order, I ask unanimous consent that the time of the minority be used all at the same time, that there not be any interruption. I believe that was the intent of the unanimous consent agreement entered earlier today—that we would have equal time in morning business.

The PRESIDING OFFICER. The Senator is correct, although the minority will control 32 minutes following Senator SCHUMER's statement.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak prior to Senator SCHUMER and use whatever time I may consume, which will be about 10 minutes.

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

ISSUES IN THE PRESIDENTIAL DEBATE

Mr. REID. Mr. President, I have the greatest respect for my friend from Alaska. He has devoted a great amount of his time to this one issue; that is, drilling in ANWR. I have been present on the floor on many occasions when he has given basically the same presentation he did today. I do not mean to take away from the intensity of his belief, his passion, that there should be drilling in this pristine area. The fact of the matter is that the majority is wrong on this issue.

The minority believes we do not have to pump every drop of oil that is on U.S. soil, that there are other things we should do. One of the things we need to do is develop alternative energy sources; that is, solar energy. We are not as a government doing nearly enough to develop this great resource.

We have heard a lot of discussion on this floor about the Nevada Test Site where some thousand nuclear devices were exploded over the years. Solar energy facilities could be developed at the Nevada Test Site which could produce enough electricity to supply all the needs of the United States. The desert Sun would supply enough energy for the whole United States. That is what we should develop—alternate energy sources.

I am very proud of the fact that this administration has decided they are going to go all out, and they have already begun to develop geothermal energy. All over the western part of the United States, there is geothermal energy potential. If one drives from the capital of Nevada, Carson City, to Reno, one sees steam coming out of the ground. That steam represents great potential for geothermal energy.

There are powerplants in Nevada and other places in the western part of the United States that produce electricity from the heat of the Earth. Geothermal energy is available in various parts of the United States. There is tremendous potential there.

If one drives in southern California, one sees areas where there are miles and miles of windmills. These windmills produce electricity, and we are getting better every day in developing more efficient windmills. That is where we should be directing our attention, not to producing oil in a pristine wilderness in Alaska.

The fact of the matter is, we could produce millions of barrels of oil there for a very short period of time. The effect on our energy policy would be minimal. It would produce jobs for the people of Alaska—and I understand why the Senators from Alaska are pushing jobs—but it would be to the detriment of our environment.

It was very clear in the debate last night that the Vice President said we should not be drilling in ANWR, there are other things we can do, and he mentioned, as I have, alternate energy policies. He also stated that we can do a lot of things in our country to conserve and reduce the need to produce more electricity. I hope we will focus on what we can do to make sure we are energy efficient and that we are not so dependent on importing foreign oil.

One of the things I regret we did not do, because the majority would not let us do it, is to put more oil in our reserves. We have a program to begin pumping some of our reserves. That is a wise decision. Look at the results. There was a dramatic decline in the cost of oil, and OPEC suddenly decided it was the right thing to do to start producing more oil because they knew we would start pulling down our reserves and the cost of oil would go down anyway.

The Senator from Alaska criticized the Vice President for his interest in improving energy efficiency and expanding renewable energy production. His criticism is not well taken. In my view, the Vice President has a balanced, healthy approach to reducing American dependence on foreign oil and big oil generally. He recognizes we can produce oil and gas more efficiently at home, we can expand our domestic production of renewable energy, and our economy can become more efficient.

Vice President GORE has also realized, as he stated on a number of occasions and as I have already said, that we do not need to develop every drop of oil in the Earth. Unlike Governor Bush, Vice President GORE believes that in some cases special places, national treasures, should be off limits to big oil.

We know there is a massive lobbying effort by big oil companies to drill in ANWR. It is the wrong thing to do. Clearly, the Arctic National Wildlife Refuge is one of those special places about which the Vice President talked. It is the last pristine Arctic ecosystem in the United States. It should be out of bounds for oil exploration. I do not care if the caribou can walk on pipelines because it is warm or they cannot walk on pipelines because they are cold. The fact of the matter is, we do not need to drill in ANWR. It should be out of bounds. Vice President GORE recognizes we can protect America's national treasures and satisfy our energy needs.

I am disappointed that Governor Bush lacks, I am sorry to say, a notion about, or maybe even an understanding of, what energy policy is all about. His affiliation for so long with big oil seems to have tempered his views toward big oil. Of course, his Vice Presidential candidate has the same global view that big oil solves all problems. The only way for America to reduce its debilitating addiction to foreign oil is to develop alternative energy sources and to do a better job with our consumption. We do not solve our problems by drilling in our precious national wildlife refuge.

Mr. President, not only do I believe that the Vice President was right last

night about our energy policy, but I also believe he was right about education.

I think, when we recognize that over 90 percent of our kids go to public schools, we have to do things to protect and improve our public schools. I think the Vice President recognizes the need for school construction.

In Las Vegas, we have to build a new school every month to keep up with growth. We need help. I did not misspeak. We need to build a new school every month to keep up with the growth in Las Vegas. We have the sixth largest school district in America. We need help, as other school districts around the country need help. We need them for different reasons. The average school in America is over 40 years old. The Vice President recognizes that school districts need help in school construction. We need help in getting more teachers and better teachers.

That is why the Vice President spoke so eloquently on the need to do something about prescription drug benefits. That is why he spoke about the need to do something about prescription drugs.

It was very clear to all of us that his statements regarding international policy were certainly well made. The Vice President did a good job because he has a wealth of experience.

But I also want to say this to the American people. I am not here today to diminish Governor Bush. We should be very proud in America that we had the ability last night to watch these two fine men debate. They are debating to become the President of the United States, the most powerful, the most important job in the whole world.

I have to say I think the glass is half full, not half empty. I think these two men did a good job. Most of us who serve in the Senate—or everyone who serves in the Senate—have been involved in these debates. It is hard. It might look easy watching these men at home on TV, but it is hard. There is tremendous pressure on each one of them. Millions of people are watching each one of them.

What is the criticism today? The Vice President sighed; and George Bush, when he was not speaking, his face was red and he snorted a couple times. If that is the worst we say about these two fine men, then we are in pretty good shape as a country. AL GORE is a friend of mine, Tipper Gore is a friend of mine. I think his debate was a slam dunk, as indicated in all the polls today. AL GORE won the debate. And I am very happy that he did.

But do not diminish these two men by saying one sighed too much or one had a red face. They were in a very difficult situation last night. I am proud of the work that both of them did. I think we, as a country, should feel good about our country, that people who are running for President can be seen, their sighs and red faces combined. I think we should recognize that. If you look just across the ocean, you see what is going on in Serbia and Yugoslavia. That is what we do not want. We should be very proud of what we have here in America.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleagues for giving me the time, and my good friend from Nevada, the assistant minority leader, for arranging our ability to speak.

First, I say, as well, that I enjoyed the debate last night. I thought most Americans got to see, for 90 minutes, the candidates unfiltered. It was good for the country, whatever side one came down on. It is just one more step in the process of all of us educating ourselves about the very difficult problems this country faces as we move along.

I would like to talk about one aspect of the debate which is very relevant to what we are doing here as we end our final 2 weeks on the budget. What we heard from the Vice President and from Governor Bush last night about the budget, about Medicare, and about taxes is exactly what the Senate is focused on as we move to wrap up the session. So I thought it would be a good idea for us to actually look at the numbers instead of the rhetoric.

Last night it seemed to me Vice President GORE talked about a lot of numbers. Governor Bush did not answer any of his statements. He did not answer Jim Lehrer's questions. Instead, he resorted to this sort of catch-all of ''fuzzy numbers,'' ''fuzzy math,'' ''fuzzy Washington numbers.'' I guess when you do not have the ability to answer or you are stuck, you go to rhetoric.

I would like to examine those so-called ''fuzzy numbers.'' I do not think anyone who has examined them looks at them as ''fuzzy.'' But it is just that Governor Bush's plans for America are so skewed, and the numbers do not add up, that he cannot answer the questions directly and instead starts talking about ''fuzzy numbers.''

I will admit, to the average American this is all sort of confusing. People are so busy with their jobs and their families and their hobbies and their avocations, they can't take out a magnifying glass and look at all the details. They have to go, as we always have in this Republic, with their instincts. Who is really right?

But today I thought I might spend a few minutes of our time on the floor, which I am grateful for, to actually go over those numbers in as clear a way as I can.

It is clear, once you look at the numbers, that what the Vice President was saying is true: That if we use Governor Bush's plan, a largely disproportionate share of the tax cuts go to the wealthiest people; that there is no room for Medicare expansion, in fact Medicare must be cut, if we use Governor Bush's plan; that, in fact, you do go back to the old days of not only eating up the surplus but of deficit spending—if we do all of the things that Governor Bush has proposed.

So let's look at the math.

Let's start out with the basic foundation of our budget, the surplus projections. We all know they may not be accurate, but they may not be accurate on the low side or they may not be accurate on the high side. These are the best numbers we have from the Congressional Budget Office, which is generally regarded as fairly nonpartisan.

They estimate that the surplus, over the next 10 years, will be huge, $4.6 trillion. I think that is because we finally have gotten it here in Washington that we can't go spending money we do not have. That is good. There is a consensus—I think both Democrats and Republicans agree—about that.

There is a second agreement. We all agree right now that the money ought to go to Social Security first, that we ought to take the Social Security surplus, the amount of money that is in FICA, that you pay in in FICA, that every American worker pays in—their hard-earned dollars; and they pay what I guess many would think is a high percentage—my daughter had her first job over the summer. She is 15. She was amazed how much came out in FICA from her little meager paycheck. But we say all that FICA money should stay with Social Security; that no one in Washington should get their sticky little fingers on it and use it for something else. You take away the Social Security surplus and that gives us a total, over the next 10 years, of $2.2 trillion to spend.

Last night, the Vice President said Governor Bush's plan would not only use all that but return us to deficit spending when you added everything up. He focused on the tax cut as much too large, if you wanted to do the other things.

The Governor did not respond in point. He said: These fuzzy Washington numbers. This chart shows the numbers are not fuzzy. They are as clear as the nose on the Governor's face.

You start with the $2.2 trillion, non-Social Security surplus. Both parties agree we have to preserve the Medicare trust fund, although last night the Governor did refuse to come out for his lockbox. But as you preserve the trust fund, if you do not cut into Medicare, which he says he will not do, you lose another $360 billion. Then you go $1.8 trillion.

Then there is the $1.3 trillion tax cut. We will discuss later to whom it goes. That was the No. 1 contention in the debate. But Governor Bush, by his own words, takes $1.3 trillion. He says it is a small portion of the total Government budget. It is. But it is a very

large portion of the surplus that we have. Of the $2.2 trillion that is left after you save Social Security and preserve Social Security, he would take $1.3 trillion of that—more than half of it—and put it into tax cuts. That brings us down to $500 billion left over the 10 years.

Then there are the other tax breaks that the Governor has supported which have been talked about on this floor. He supports cutting the marriage penalty. He mentioned that last night. He supports the estate tax reduction. He has mentioned that at other times. You take that, that is another $940 billion. So now we are already in deficit by $400 billion; no longer having the surplus that we struggled to attain after so many years of deficit spending. So then we are in deficit.

But he doesn't stop there. Then there is spending. The Governor proposes some spending for education and for other things. Every day we hear of a new program he is coming out with. I support some of them, as I support some of the tax cuts, but not all because together, when you add it up, it is too much.

He has proposed $625 billion in spending. That brings our deficit to $1 trillion. Then he proposes that we take $1 trillion out of Social Security and let people invest that in the stock market or whatever else. Of course, he said, it will go up three times; that is, if the stock market triples. I don't put my daughter's college money that my wife and I save each month in the stock market for fear, even though it might triple, it might go down. And then how are we going to pay for her college?

He takes the money out, wherever you put it, and that is another $1.1 trillion. Now we are at a $2.1 trillion deficit. Finally, because you are not getting interest on all this money; you are spending it, so to speak, in terms of tax breaks and in terms of spending programs, you lose another $400 billion of foregone interest. When you add it all up, the deficit, with the Governor's plan, is back to the bad old days of $2.5 trillion.

This is not fuzzy Washington math. These are not fuzzy numbers. These are the numbers the Governor has proposed. No wonder he didn't answer Vice President GORE'S retort about going back and where all the money is coming from. No wonder he had to use this rhetoric. The only people these numbers are fuzzy to are the people who don't want to add them up because they lead to deficit spending: the Governor of Texas and his supporters.

The other big issue was where does the tax cut go. Again, Vice President GORE said seven, eight, nine, ten times—I lost count—that the top 1 percent of the people in America get a huge proportion of the tax cut. And Jim Lehrer asked Governor Bush whether that was true, and Governor Bush would not answer the question. Do you know why? Why didn't Governor Bush answer the question as to where the tax cuts go? Because he knew the Vice President was right. He knew it went disproportionately to the wealthiest people in America.

Here are the numbers, plain and simple. This is data from Citizens for Tax Justice, not a Democratic or Republican group.

The top 1 percent of America, those are people—I wish the Vice President had said this—the top 1 percent is not you or even me, and I make a good salary as a Senator. You have to make $319,000 to be in the top 1 percent. If you average it out, the income of the top 1 percent is $915,000. These people are not just millionaires; they make almost $1 million a year on average. They get 42 percent of the tax cut. Almost one of every $2 we are cutting in taxes goes to people whose average income is $1 million or close to $1 million a year. How many Americans want that? If I were confronted with that fact, I would ''rhetorize,'' as they say, I would give what the Governor himself might call Washington rhetoric and say: That is fuzzy mathematics.

It is not fuzzy. Here it is, Governor Bush: The top 1 percent get 42 percent of the tax cuts. The people whose average income is $915,000 get $46,000 back in tax cuts.

Let's take the people in the middle, the middle 20 percent, people making between $25,000 and $40,000 a year. They get about 8 percent of the tax cuts or $453. Of course, low-income people, the Governor said, they are going to do better—yes, $42 a year better. So it is true, as the Governor said, everyone gets a tax break. He wants to give the money to everyone. The trouble is, he wants to give most of the money to the wealthiest few.

He is right. The wealthiest people have most of the money, and they pay a lot of the taxes. That is true. But we have a policy choice, Mr. President. Do we want the wealthiest of people to get most of the money back or do we want to do targeted tax cuts for the middle class and spend more of the money than the Governor does on education, on a prescription drug plan, on health care?

This is not fuzzy Washington math. These are facts. I don't blame Governor Bush for running away from them and hiding behind rhetoric.

One final point. Vice President GORE, in the debate, said that he wanted targeted tax cuts for the middle class. And George Bush said: You need an accountant to figure this out. Well, tell a family who is making $50,000 a year, whose oldest child is 17, and the husband and wife are up late at night worrying: How in the heck are we going to pay for Johnny's college. How the heck, on an income of $50,000 a year, are we going to come up with $10,000 a year after paying our mortgage and buying the food and payments on the car? How are we going to do that?

Well, you don't need an accountant with what Vice President GORE talked about. You simply need to put on your tax return that your child is going to college, that you are paying $10,000 a year, and you deduct that from your taxes. It is as simple as deducting your mortgage interest. It is as simple as deducting your health care costs. You don't need an accountant.

We all believe in tax cuts; I do. Is it better for all of America to give that wealthiest family $46,000 a year, when their income is $915,000, or is it better to say to middle-income families who are struggling with the cost of college that we ought to make college tuition tax deductible, a proposal that has had bipartisan support in the Senate? The Senator from Maine, OLYMPIA SNOWE; myself; the Senator from Indiana, Mr. BAYH; and the Senator from Oregon, Mr. SMITH—two Democrats and two Republicans—have championed that. I learned how much people struggled with that when I ran for the Senate 2 years ago. It is one of my passions to get it done.

You don't need an accountant. Those are not fuzzy Washington numbers.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given an additional 2 minutes from our time.

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

Mr. SCHUMER. It is not fuzzy math. It is plain and simple.

The bottom line is, last night Governor Bush could not argue facts. He could not argue the merits. So he ran away from the argument by claiming fuzzy numbers.

The debate was a great success for the Vice President because, as people examine what I have talked about—the huge deficit spending the Governor would have us engage in, again, the fact that a disproportionate share of the tax cuts go to the wealthy; the fact that the middle-income tax cuts proposed by the Vice President are very simple and easy to use and desperately needed by the American people—the Vice President will score points.

More importantly, he will win the election on that basis, and America will finally spend our surplus on the priorities we need and return taxes to the middle class who need them more than anybody else. Our country will continue the prosperity that, praise God, we have seen in the last 8 years.

Mr. President, these are not fuzzy Washington numbers. These are facts. They are facts that show that the Vice President is far more in touch with what the average American wants and needs than is Governor Bush.

I don't believe in class warfare. I respect people who have made a lot of

money. That is the American dream. I hope my children will.

But when you do deep tax cuts, who should get it when you only have a limited amount? When you have a surplus, why should it be squandered? Governor Bush, these are not fuzzy numbers but hard, cold facts that help the American people.

I yield back my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

APPLAUDING SENATOR SCHUMER

Mr. REID. Mr. President, I appreciate very much the statement of the Senator from New York. New York is the financial capital of the world, and the Senator from New York, having long represented that State in the House of Representatives, has certainly hit the ground running here in the Senate. We depend on the Senator from New York on many occasions for financial information and advice due to the fact that he comes from the financial capital of the world. His very vivid description of the debate last night, in financial terms and what the tax situation is from both candidates, was welcome. I congratulate and applaud the Senator for his very lucid statement.

Mr. SCHUMER. I thank my friend, who is a great leader for all of us. He is always giving us younger Members time to make our statements on the floor, in addition to all the other nice things he does.

ALASKA PRODUCTION

Mr. REID. Mr. President, I thought it was appropriate that we revisit what the junior Senator from Alaska said today. He has come to the floor on many occasions and said, as I have stated earlier, the same thing. He does it with great passion, and I appreciate how strongly he feels about it. I think the time has come that we don't let his statements go without giving the facts from the other side. What are some of those facts? Let's talk about production of oil in Alaska.

In 1999, the Clinton-Gore administration offered tracts on nearly 4 million acres of land in the national petroleum reserve in Alaska, to the west of Prudhoe Bay, for oil and gas leasing.

Oil companies with winning bids will pay—

This is a staggering figure, but it is to show that we in this administration have had an energy policy, as we all know.

Oil companies with winning bids will pay $104,635,728 for leases in the National Petroleum Reserve in Alaska. A total of 425 tracts on approximately 3.9 million acres were offered by the U.S. Bureau of Land Management in today's lease sale, the first such sale for the reserve since 1984.

It is important we recognize that there is an energy policy and, as indicated, this is the first sale for the reserve since 1984.

Six oil companies submitted 174 bids on 133 tracts.

The oil industry should explore and develop the Alaskan Petroleum Reserve before there is any suggestion of opening the sensitive lands of the wildlife refuge to development. We acknowledge that, and that is why they are paying $105 million to do that. They should do that before there is even a suggestion of opening the sensitive lands of the ANWR to develop. ANWR doesn't need to be developed. To even suggest doing it before we fully explore the petroleum reserve in Alaska indicates that we are doing it for reasons other than petroleum production.

In 1998, the U.S. Geological Survey released a mean estimate of 2.4 billion barrels of economically recoverable oil in the Arctic Refuge at $18 a barrel market price in 1996 dollars. Such a discovery would never meet more than a small part of our oil needs at any given time. The U.S. consumes about 19 million barrels of oil daily or almost 7 billion barrels annually. . . .

So using these numbers for a couple of years, you could drill and it would be gone, and you would damage, to say the least, this beautiful part of the world.

The U.S. Geological Survey indicates that the mean estimate of economically recoverable reserves assumes an oil price of $18, as I have indicated. We know the price of oil is almost double that today. Even at $20 a barrel, the mean estimate increases to 3.2 billion barrels. This information comes from Dr. Thomas Casadevall, the Acting Director of the U.S. Geological Survey.

Production of oil in the United States peaked in 1970. You can see that on this chart. That was when the United States produced about 9.6 million barrels of oil every day. Production in Alaska has also been on a continual decline since 1988. It is very clear that the production of oil in Alaska has been going downhill since 1988, when it peaked at 2 million barrels of oil a day.

Domestic gas and oil drilling activity decreased nearly 17 percent during 1992, the last year of the Bush administration, and was at the lowest level since 1942. So I think we should understand that the Senator from Alaska—if he has to complain about energy policy—should go back to the Bush administration. That is when we bottomed out, so to speak.

Let's talk about what has gone on since 1992 when this administration began a concerted effort to increase the production of oil. Under the leadership of the Clinton-Gore administration, natural gas production on Federal lands onshore and oil production offshore is increasing. Natural gas production on Federal onshore lands has increased nearly 60 percent during this administration. Let me repeat that. Natural gas production on Federal onshore lands has increased nearly 60 percent since 1992. Oil production on Federal lands is down. But the gas statistics belie the argument that the administration has shut down the public lands to oil and gas development. This source comes from testimony given before the Energy and Natural Resources Committee in July of this year.

The Gulf of Mexico has become one of the hottest places in the world for exploration, especially since this administration supported incentives for deepwater development going into effect in 1995. Between 1992 and 1999, oil production offshore has increased 62 percent.

So it hardly seems to me that this is an administration without an energy policy, when we have determined that natural gas production during this administration on Federal onshore lands has increased about 60 percent and we have also determined that during this administration oil production offshore has increased 62 percent. Natural gas production in deep waters has increased 80 percent in just the past 2 years. These increases are in areas of the Gulf of Mexico, where the United States actively produces oil and gas.

So the point I am making is that we have my friend, the Senator from Alaska, coming to the floor and continually saying we don't have an energy policy. These figures belie that. We have an increase in Federal onshore lands by 60 percent; oil production offshore, 62 percent; and just in the last 2 years, gas production in deep waters increased 80 percent. Why? Because of actions taken by the Clinton-Gore administration.

The deep water in the Gulf of Mexico has emerged as a world-class oil and gas province in the last 4 years. That is as a result of work done by this administration. This historic change, after 53 years of production in the Gulf of Mexico, has been driven by several major factors, all coalescing during this administration. Truly, the deep water will drive the new millennium, no question about that.

I think it is important to note that we are all concerned about the fact that we are importing more oil than we should. Look at this chart. Oil importation went up in the mid 1970s, and during the gas crunch, because of policies taken by the Federal Government with tax credits and other things for developing alternative sources of energy, it went down. But with the glut of oil and the price of oil low, the consumption of oil, imported oil, went up again. Production has gone down. It is certainly indicated on this chart.

Also, I think we have to recognize that one thing has driven everything we do in this country, and that is the consumption of oil. We consume far more than we should. I think that is why the Clinton-Gore administration has stressed the fact that we need to do

something to lessen the consumption of oil in this country.

The Energy Information Agency reports that the total petroleum product demand in 1999 grew by over 600,000 barrels a day, or 3.2 percent. That is the largest year increase since 1988.

The transportation-related demand accounted for more than 335,000 barrels per day.

According to the Energy Information Agency, the annual energy outlook for transportation sector energy consumption is projected to increase almost 2 percent per year.

We need to do better.

Of the projected increase in oil demand between now and 2020, 87 percent will be in the transportation sector.

In 1995, the Republican Congress shut down the administration's efforts to study higher fuel efficiency standards for light trucks and SUVs. Major automobile manufacturers fought ruthlessly convincing labor that it would cost jobs in the United States.

This summer when consumers started screaming about gasoline prices, Ford and GM realized they could increase the fuel economy of SUVs by as much as 25 percent. This should have happened many, many years ago. But, of course, the major automobile manufacturers were unwilling to sacrifice anything.

The good news is that we can have better fuel economy without costing jobs or eliminating the features that consumers seek in these vehicles. They have already committed to higher fuel emission standards in Europe and Japan. Why didn't they do it here? Because we were gullible. We in Congress would not allow legislation to go forward to do something about this.

Let me repeat. I appreciate very much the desire of the Senators from Alaska to want to drill in pristine wilderness to create jobs in Alaska, but I think we have to look at the big picture. Jobs in Alaska are not as important as maintaining the last remaining Arctic pristine wilderness we have in America.

I hope we look at what we are already doing in Alaska to increase energy production, and also look to the absolute necessity of doing something about alternative energy, such as wind, solar, and geothermal—and do something with oil shale—doing things such as that so we can become more energy efficient in America and less dependent on foreign oil.

I reserve whatever time we have. I know the Senator from Illinois has been here patiently waiting to speak.

Mr. President, I ask that Senator DORGAN be allowed to follow the Senator from Illinois with the time we have remaining in morning business.

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

Mr. FITZGERALD. Mr. President, the Senator from Washington has requested that he be allowed to speak before me beginning at about 11:10. I would like to go after Senator GORTON because he is only going to speak for about 10 minutes. I will speak for an extended period following Senator GORTON's remarks.

Mr. REID. We have no objection to that. We want to make sure that the manager of the bill on the Democrat side, Senator BYRD from West Virginia, is able to follow the statement of Senator GORTON—the two managers of the bill. I think the Senator from Illinois would not object to that.

Mr. FITZGERALD. I have no objection.

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

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 4578, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year sending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the conference report on the Interior and Related Appropriations Act for Fiscal Year 2001. The conference report passed the House yesterday on an overwhelmingly bipartisan vote of 348–69.

The bill provides $18.94 billion in total budget authority, an amount significantly above both the FY 2000 level of $15 billion and the President's FY 2001 request of $16.5 billion. This increase is primarily attributable to two items that I know to be of great interest to my colleagues.

The bulk of the increase over the budget request level is a direct result of the disastrous wildfires that plagued the West this summer. This bill includes the administration's $1.6 billion supplementary fire package, as well as $200 million in additional funds to address rehabilitation needs on the national forests, maintenance and upgrades to firefighting facilities, and for community and landowner assistance. The bill also includes the $240 million provided in the Domenici floor amendment for hazardous fuels reduction in the wildland/urban interface.

Those areas which public lands abut upon communities, towns and cities, as well as language designed to expedite this work that so desperately needs to be done. This language does not, however, overturn or bypass the National Environmental Protection Act, the Endangered Species Act, or any other environmental statute. In total, the bill provides $2.9 billion for fire management.

The other element of this legislation that has garnered the most attention is title VIII, the land conservation, preservation, and infrastructure improvement title. This title does two things: First, it provides an additional $686 million in fiscal year 2001 for a wide variety of conservation programs, including Federal land acquisition, the stateside grant program, forest legacy, and urban park recreation and recovery. These amounts are in addition to the amounts agreed to in conference in the base portion of the bill. In total, funding for these Interior programs is about $1.2 billion for next year.

Second, title VIII establishes a new conservation spending category in the Budget Act for an array of conservation programs, for the maintenance of Federal land management facilities, most particularly, national parks, and for payments in lieu of taxes. Using the $1.2 billion provided in the fiscal year 2001 Interior bill as a base amount, plus a notional $400 million for coastal programs that may or may not be provided in the Commerce, Justice, State appropriations bill, this new spending category is established using a base of $1.6 billion.

For Interior and CJS programs combined, this new budgetary category will go by $160 billion per year through fiscal year 2006. This separate allocation may only be spent on qualifying programs, and any amounts not spent will roll over and be added to the following year's allocation.

Title VIII also establishes several subcategories within the broader category conservation category. The allocation provided for each subcategory will only be available for programs within that subcategory and may not be used for other programs. And, like the structure of the broader category, any amounts not appropriated within a subcategory in a given year would be rolled over and added to the following year's suballocation.

The suballocations and associated amounts are shown on the chart. The bottom line is ''payments in lieu of taxes'' for $50 million a year—over and above the present payment in lieu of taxes. The next amount is ''Federal maintenance,'' an amount added specifically at my request. This was originally suggested by House conferees. It

glaringly omitted the deferred maintenance in our national parks and our forests and our wildlife refuges, an amount that I think approaches $16 billion, and a modest start on that over and above the present bill is included in each one of these years.

Next, the orange is ''urban and historic preservation programs,'' the purple is ''State and other conservation programs,'' wildlife grants, wetlands conservation, the Geological Survey, and the like. The red is ''Federal and State Land and Water Conservation Fund programs.'' The green is ''coastal programs,'' basically under the jurisdiction of NOAA, and the ''other'' beginning in fiscal year 2002 is the $160 million a year add-on which can be at the discretion of the Congress, devoted to any one of these other programs. That will be decided by future Congresses.

As the allocation for the overall category grows in the outyears, that growth is not tied to any particular subcategory. The suballocations are not caps. There is nothing to prevent the Appropriations Committee from also using its regular allocation to fund any one of these programs that provide additional funding from the overall program growth, the blue part, lines I have just described on the graph.

While this structure is somewhat confusing at first, its effect is to provide some certainty to several programs within the Interior subcommittee jurisdiction which will be likely to receive and maintain substantial increases over the current funding levels. At the same time, it preserves the availability of Congress to adjust specific amounts on a year-to-year basis in response to changing needs performance and other factors.

Finally, of course, any money not spent, while it cannot be spent for any other spending category, obviously will go to pay down the national debt.

The programs that comprise the new spending category are a mix of programs identified as priorities by the administration in its budget request, by supporters of CARA during their deliberations, and by Congress as a whole as represented in the thousands of individual requests that I receive each year as chairman of this subcommittee. I want to emphasize, once again, what I did several months ago when we debated this bill for the first time. I think this year we had 1,100 requests from 100 Senators for programs within Interior—the great majority of which would fall into one of these categories.

Vitally important is the fact that the bill does not create any new entitlements. At the same time, it is not an empty promise. For the same reasons—we rarely see an appropriations bill go to the floor without spending every penny of its allocation—I think it likely that allocations provided in title VIII will be fully subscribed in each year's appropriations bill. The exact mix of funding will be up to future Congresses, but title VIII does prevent these funds from being taken from the target programs and used for other programs, even other programs within the Interior bills, such as Indian education, health services, Forest Service, the cleanup of abandoned mine lands.

To be perfectly clear, the construct of title VIII is not what I would have dealt had I complete discretion. Nor do I believe it is what the Appropriations Committee would have written with complete discretion. Congress has always had the ability to provide increases to the programs through the regular appropriations process, but it has not necessarily done so due to the resulting impact on other programs and, of course, on the deficit or the surplus. Nevertheless, title VIII represents a fair compromise that reflects the general views of this Congress with respect to these programs, and it has the support of the administration.

Now, the focus in recent weeks has been on wildfires and the conservation funding issues I have just addressed. There are other features of the bill to which I want to draw my colleagues' attention. The conference report provides an increase of $104 million for the operation of the National Park Service and the U.S. Park Police, including $40 million to increase the base-operating budgets of nearly 100 parks and related sites. The bill also provides an increase of $66 million for the management of Bureau of Land Management land and resources, a badly needed boost for an agency that has sometimes received less attention than the other land management agencies, but which has a demanding mission in terms of multiple uses.

The operating budgets of the Fish and Wildlife Service and the Forest Service also receive healthy increases, which I hope will enable these agencies to improve performance in areas such as the Endangered Species Act consultation and recreation management.

In terms of programs designed primarily to benefit American Indians, this bill has a great deal to offer. From the very beginning of this process, I have made Indian education in school construction one of my highest funding priorities. Many colleagues on the committee—particularly my friend, the Senator from New Mexico, Mr. DOMENICI, who is here on the floor—have for years stressed the need for increased investment in Indian schools. This year's budget request provided an opportunity to provide this investment. I am pleased the conference report provides $142 million for school replacement. This is $75 million above this year's enacted level and will provide funds for the replacement of the next six schools on the Bureau of Indian Affairs priority list. It also provides funding for a cost-share program for eligible replacement schools, which is designed to provide funding so that construction of replacement schools can be fully completed in order to remove the school immediately from the BIA priority list. Indian school repairs also increases by $80.5 million above last year's level.

The conference report also provides significant increases for health services for Indian people, including an increase of $167 million for health services and $47 million for construction and repair of health care facilities.

The bill provides continued support for the Department of Interior's efforts to reform its trust management practices. This is a massive problem that has developed over decades, if not the entire 20th century, which will take time and resources to fix. This conference report provides the budget request for the Office of the Special Trustee, and also provides an emergency supplemental of $27.6 million for activities directly related to recent developments in the Cobell litigation. In addition, the bill provides an increase of $31.9 million above fiscal year 2000 for trust reform within the regular Bureau of Indian Affairs appropriations.

Of the many cultural programs within this subcommittee's jurisdiction, the National Endowment for the Arts was again the focus of much discussion in the House-Senate conference. The conference agreement maintains the Senate funding level for the NEA—an increase of $7.4 million above the current year level. These additional funds will be targeted for arts education and outreach programs, and I think are a fitting response to the reforms that the NEA has instituted in recent years. This is the first increase of any significance for the NEA in more than a decade. I am also pleased that funding for the National Endowment for the Humanities is also increased by $5 million.

For energy programs, this conference report includes funding for several programs that will help reduce our dependence on foreign energy sources, as well as reduce harmful emissions from stationary and mobile sources. The energy conservation account is increased by $95 million, including full funding for the Partnership for a New Generation of Vehicles—PNGV. This amount also includes increases of $18 million for the Weatherization program and $4 million for the State Energy Conservation Program. For fossil energy R&D, the bill provides $433 million, and establishes a new powerplant improvement program to support demonstration of advanced coal power technologies. This is an initiative that I am sure Senator BYRD will wish to discuss further, because it is one of his favorite items.

There are many other elements of this conference report that recommend

its passage by the Senate, but I will only mention one more. Funding for payments in lieu of taxes is increased by $65 million, including $50 million provided in title VIII, outlined on this chart. This brings appropriations for PILT to $200 million. This increase represents a significant step in raising appropriations for PILT toward the authorized funding level.

I also wish to note two errors in the Statement of Managers. Page 177 of the Statement of Managers indicates that an increase of $4 million above the House level is provided for ''Heavy Vehicle Propulsion within the hybrid systems activity.'' This is incorrect, and is a result of an error in the conference notes. The $4 million increase over the House level is for ''Advanced Power Electronics,'' reflecting the amount provided in the Senate-passed bill. On page 194 of the Statement of Managers, the paragraph that begins ''Consistent with paragraph (3) and accompanying Senate instruction . . .'' should have been deleted.

In closing, I want to again urge my colleagues to support this conference report. It does a tremendous amount of good for the management of our Federal lands, as well as for the conservation of lands and waters whether Federal, state, municipal or private. It is a good bill that has the unanimous support of the conferees of both Houses, and I urge its adoption by the Senate.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. The Senator will be happy to yield.

Mr. DOMENICI. Mr. President, I, first, congratulate Senator GORTON. Everything considered—the pressure of the closing, the politics of this season—I think he produced a very good bill and I compliment him. I would like to quickly talk with him about three issues because they have been very dear to me and we have finally come around to solving all three of them in this bill.

First, the American Indian people will thank us because for the first time we are making the case for replacing Indian schools. They are so much in disrepair that nobody would send their kids to them, but there are no other schools to go to; they are out in Indian country, and we, the Government, happen to own them. There has been a dramatic increase this year. Thanks to this committee, we will add six new schools, and we will do a very large amount of maintenance on buildings that desperately need it. If Congress will heed what was discussed, they will do this for 5 or 6 years and get rid of the entire backlog.

Senator, you have heard me for years ask the administration to give us a multiyear budget proposal to take care of Indian schools because if we don't pay for them nobody will. They are ours. This year the President put such language in his budget after consultation with a number of us. It is a little late, but nonetheless the Indian people can finally say, ''We see some daylight,'' with reference to adequate schools for our kids.

Mr. GORTON. The Senator from New Mexico not only states the case correctly but understates his own participation. I am rather certain that the President would not have made the request without the constant advocacy on behalf of this program from the Senator from New Mexico. I think he can take great credit for this success.

Mr. DOMENICI. I thank the Senator, my good friend, very much.

Second, we debated on the floor of the Senate an interesting sounding amendment. We called it ''Happy Forests.'' It was a $240 million amendment on this bill on the floor. I thought I was going to get a lot of guff here on the floor because I asked for $240 million and divided it among the two agencies that control our property, the Forest Service and the BLM. What I wanted to do with the money was to push, with a great deal of vigor, for these two Departments to go out and inventory where the forests were close to our cities, where the forests have grown up, where cities have grown up and where there is a proximity of buildings and people to the forest because that is very risky.

We did strike a positive tone with the administration when they admitted that there were many such cases and many examples. We have cited examples of a city such as Santa Fe in New Mexico where its water resource is right in the forest. If that forest happened to burn, they would lose their water supply. So we thought we ought to pursue this and start a list of those and make the Federal Government start to list the risky ones and then start to clean them up.

We had to argue for 3 days. We got about 75 percent of what we wanted. We gave in to the administration on some in a very valid compromise. But I can say as to number, as many as a few hundred communities that are right in the forests, they should be seeing the Federal Government around coming up with some plans to try to alleviate this underbrush problem and growth that may, indeed, cause these communities to burn when we could prevent it with some maintenance and cleanup.

We have not reached, to my satisfaction, language that will push this expeditiously because they are fearful in the White House that we are going to push some of the environmental laws. We made it clear the environmental laws apply. Nonetheless, there will be some difficulty on the part of the bureaus of the Federal Government because they have to move with some dispatch and they have to advise people a lot more than they ever did about the proximity of fire and the risk to them and where they are scheduled to do the cleanup—where is that? They are going to have to start advising communities.

So I thank my good friend for that.

Mr. GORTON. Again, this was the program of the Senator from New Mexico. I do not think there was any item in the conference committee that was discussed at more length with the administration and in more detail. I am gratified the Senator was able to make a reasonable compromise and I was delighted to support him.

Mr. DOMENICI. I also say, overall, when we make requests of you and your people, and Senator BYRD and his people, I do not think in any case for me we could have been treated more fairly. Every request was looked at carefully. I thank my colleague so much for the many things he was able to do for my State. I will enumerate them and perhaps come to the floor before the Senator is finished and talk with a little more specificity. But I thought before he left his opening statement too far behind, I would like to add my words at the end of it as I have this morning.

Mr. GORTON. I appreciate that. As the Senator knows, this is a reciprocal relationship. The people of the State of Washington can thank the Senator from the State of New Mexico for many vitally important programs that are in the bill for energy and water that he manages.

Mr. DOMENICI. By the way, that is going down to the President soon—I don't know how long it will take—and it will come back here with a veto, and we do intend to work as expeditiously as we can to repass it with the many things that are in there for your sake.

I yield the floor.

Mr. GORTON. I note the presence on the floor of my distinguished colleague, Senator BYRD, my good friend, who also has a great deal of responsibility for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. It goes without saying, Mr. President—I have said it many times already—that the chairman of this subcommittee is fully knowledgeable of the contents of the original bill, fully knowledgeable of what is in this conference report, and always—always considerate, always courteous, and is one of the finest chairmen I have ever served with on any subcommittee. And I served with a lot of chairmen of subcommittees. This one is almost without a flaw when it comes to being chairman of this subcommittee.

It is a pleasure for me to serve with him. I would like to be chairman one day, but I am not the chairman, and I fully understand that. If somebody else other than I has to be chairman, I like Senator GORTON. We accomplish a lot for this Nation together. This is a great subcommittee.

I have said many times it really is a western subcommittee, more so than it is eastern, as far as I am concerned. I have said that over the years. But we do our best because somebody has to do the work. I do enjoy it. I enjoy the collaboration we always have in connection with this bill. I do it understanding that the appropriations process is absolutely vital to the operation of Government and that we need to know about that process. We need to always understand the rules and the precedents of Government.

If I had a larger vocabulary, I could say more about the chairmanship that is rendered by Mr. GORTON. I will not speak further. I could say the same thing with regard to the chairman of the full committee, TED STEVENS. There could not be any finer man. He is always a gentleman. That goes a long way with me around the Senate. He is always a gentleman. He is always considerate of the needs and the problems of the constituents of other Senators. He listens courteously, and he is very straightforward. If he cannot do it, he will tell you so. He tells me that. If he cannot do it, he will tell me so. I like that kind of talk.

Mr. President, I fully support the legislation. I urge my colleagues to support it as well.

I will not reiterate the inventory of programs contained in the Interior conference report, nor their respective funding levels. The chairman has done an excellent job of providing Members with those details. I do, however, wish to point out a new program planned for the Department of Energy because of its significance to this nation's overall energy security.

Within the Fossil Energy Research and Development account, funds have been provided to undertake a power plant improvement initiative. This new effort is vital to our Nation if we hope to continue our economic expansion. Upgrading and renewing our out-of-date and undersized electric power system cannot wait. We cannot sit back and wait for the development of new power sources which, to date, have not proved commercially viable.

The fact is, more than half of this Nation's electricity is generated in coal-fired power plants, a situation that is not likely to change for the foreseeable future.

We are working today by virtue of the lights that are in the ceiling of this Chamber. It used to be in this country that this Chamber was lighted by gas. It was only in this century, the 20th century—and we are not into the 21st yet—it was only in this century that we saw air-conditioning come to this Chamber.

From where does this energy come? What is the source? What is the source of the little light we see at night burning in the top of the Washington Monument?

I made a trip around the world with a House committee in 1955, 45 years ago. We went around the world in an old Constellation, four propellers. We visited many countries. Today it would be called a junket. But we were away 68 days. We visited many countries throughout the world. When I was in high school, I read a book by Jules Verne titled ''Around the World in 80 Days.'' We went around the world in 68 days. Of course, John Glenn went around the world in, I believe it was 81 minutes.

The point I am making is I visited many countries, saw many things, met many high people—kings and princes and queens, shahs. We saw wonderful edifices, beautiful edifices, great edifices, such as the Taj Mahal. But the most enjoyable, pleasurable, satisfying, and comforting thing I saw on that whole trip was when we flew back into Washington and I saw those two or three little red lights in the top of the Washington Monument. There we were, home again, where we could go to the water faucet and drink without fear that we might succumb to some disease. Having been in Afghanistan on that trip and Jakarta and India, Pakistan, Korea, and Malaysia—all of these places where one certainly must not, at that time, drink the water without its being boiled—it brought to me in a very vivid way what a wonderful country we have and how great it is to be home, back in the good old United States of America, where we take so many things for granted.

There were those lights in the top of the Washington Monument, and here are these lights. Take away coal; take away those lights. The great eastern cities of New York and Philadelphia and Boston, the great cities of the East—take away the coal, and it is going to shut down a lot of industries. People will then begin to appreciate that coal miner whose sweat, and sometimes tears, and sometimes blood afford this great country the leisure and the comfort that come from coal-fired plants.

We are working to make this coal more environmentally feasible. We have gone a long way. I have supported appropriations and initiated appropriations for clean coal technology, and we have seen the results of this research that is being done by these funds that come out of the committee on which the distinguished minority whip, Mr. REID, and I sit.

There are people in this Government who, I imagine, would like to see the mines closed, coal mining done away with; shut them down. We know we are in transition, and we are preparing for that eventuality by the fact that we appropriate funds in this committee to produce energy in an environmentally feasible manner.

Mr. REID. Will the Senator yield?

Mr. BYRD. I do yield, with great pleasure, to my friend.

Mr. REID. I ask my friend from West Virginia this question. I can't pass up the opportunity; whenever I hear someone talking about miners, my mind is flooded with thoughts of my father. The Senator and I have discussed what a hard job a miner has. I can remember, as if it were yesterday, my father coming home, muddy and dirty, telling us he had another hard day at the office. The fact of the matter is, he worked very hard. Miners work very hard.

The Senator from West Virginia has done such an outstanding job of protecting miners, and not only coal miners. You have helped us with our gold miners, people who go under the Earth for other types of product than coal.

I also say this to my friend from West Virginia, my leader. This Government needs to do more with clean coal technology. We started a plant near Reno, NV, which cost hundreds of millions of dollars. But in the second phase of it, the Government did not come through in helping with that energy-efficient use of coal, and therefore they are going to have to switch and do something else.

The Federal Government has the means now of clean coal technology. But we have been too cheap as a government. We need to spend more money on clean coal technology. If we spent more money on clean coal technology, we would be less dependent on oil. So I want to help the Senator from West Virginia any way I can to make sure we do more with developing clean coal technology. And with the technology we have, let's make sure the Federal Government helps implement this in places such as Reno, at the Tracy plant, so we can do a better job of cleaning the air.

Mr. BYRD. Yes. I thank my friend for his excellent contribution to the colloquy.

Many times, as he has said, we have discussed this matter. He understands the background from which I came—which is a similar background to that from which he came—the coal mining; in his case, gold mining; in my case, coal mining. Sometimes we refer to it as ''black gold.''

This coal has provided the livelihood for thousands of miners over the years, who have risked their lives to go into those coal mines. So research, I have believed during the years I have been on the Senate Appropriations Committee—42 years—is the answer to many of the things, research. And through research, mining has been made more safe. We have fewer and fewer miners being killed annually than we have had in the past.

It has been a very bloody—a very bloody—employment and a very bloody industry, if you go back over the years. So we have improved the safety. We are helping to clean up the environment. We are understanding ways in which

coal may be mined more cheaply. And that is the result of the moneys that have been appropriated through this Subcommittee on Interior.

As I have already indicated, I have appropriated, I have been the source of the appropriations of millions of dollars for clean coal technology. And I have to say that my own administration has several times, in the budget that has been sent up here to the Congress, recommended deferring—deferring—some of these moneys, using these moneys that are there for clean coal technology, using them for something else, or even rescinding some of those moneys.

Now I have fought—fought—these budget recommendations off several times. So I think we have reached the point where the Presidential candidates need to talk about this. And I hope they will.

Given that reality, it makes good, common sense for the United States to try to ease the demand on the existing fleet of electric plants. And, so, the conferees have included this new power plant improvement initiative in an effort to bring business and Government together in a productive partnership that will produce more energy, yet cleaner energy. I am pleased that this effort is being made, and I thank the distinguished chairman for his help in ensuring that our Nation's energy needs continue to be a top priority.

I thank the other members of the Appropriations Committee. And I thank our colleagues on the other side of the Capitol on the Appropriations Committee there who have worked with us in this regard.

Beyond this particular program, let me also say how much I appreciate the chairman's overall support for projects and programs of importance to the minority Members of this body. I have already referred to that, but I think it bears reflecting upon again. As always, his graciousness, his dedication to duty, and his steadfast commitment to working in a bipartisan manner have made this conference far less arduous than it might otherwise have been. Despite all the tangents that conferees are wont to go off on—if left to their own devices; and I understand how that is very easily done—Senator GORTON never lost sight of the ultimate task at hand.

So in my opinion, based on my experience, he is the consummate professional. And he and his staff—we must not forget the staff. We often hear that the clothes make the man. Well, I must say, based on my experience here, that the staff, in large measure, make the Senator and help to turn the wheels of the Nation. So our staffs are to be commended for their efforts.

I urge all my colleagues, Mr. President, to support this conference report so that we can send it to the White House for the President's signature.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, the Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I am here to speak on the $120 million Abraham Lincoln Library, for which there is authorization language in the Interior Subcommittee appropriations bill.

Last night, the Senate passed separate legislation authorizing $50 million of Federal funds for the construction of the Abraham Lincoln Library in Springfield, IL. The library is intended to be built with a mixture of State and Federal funds. The total cost of the project would be about $120 million.

The Senate, in adopting its authorizing language, attached an amendment, that I put on, that required this library, this monument for ''Honest Abe'' Lincoln—that all the construction contracts on it be competitively bid in accordance with the Federal competitive bid guidelines.

That language cleared the full Senate last night. The Senate went on record in favor of a requirement that this Abraham Lincoln $120 million library carry with it the requirements that all contracts be competitively bid in accordance with Federal procurement law, the purpose of which is to prevent political favoritism in the awarding of construction contracts and also to get the best value for the taxpayer.

I rise to speak on the Subcommittee on Interior appropriations bill because there is language in the bill that authorizes $50 million in Federal funding over several years for construction of the Abraham Lincoln Library. However, the language requiring competitive bidding of the construction contract has been stripped out of the conference report.

The Governor of Illinois is opposed to the attachment of Federal competitive bidding guidelines and apparently asked for House assistance to go around the Senate, which has spoken on this issue and gone on record in favor of the Federal competitive bid guidelines.

I support construction of the Abraham Lincoln Library in Springfield, IL. If it is done properly, it could be a wonderful treasure, not only for the city of Springfield and for the State of Illinois but, indeed, for the entire Nation. Of course, Springfield, IL, is where ''Honest Abe Lincoln'' lived. He lived there for many years. He is responsible for making it the State capital of Illinois. When Abe Lincoln served in the State legislature in the early part of the 1800s, he was successful in leading a drive to move the State capital from Vandalia to Springfield, IL. For several years, he represented Sangamon County in both the Illinois Legislature and later for a period in the U.S. Congress. Of course, his debates for the Senate seat with Stephen Douglas of Illinois in 1858 are legendary.

I am very proud to hold the seat in the Senate that Abraham Lincoln and Stephen Douglas vied for in 1858, before, of course, Abraham Lincoln went on, in 1860, to be elected the first Republican President of the United States and one of our greatest Presidents ever.

There are several Lincoln attractions in Springfield, IL. I am sure many of my colleagues and many of the people in the gallery have visited Lincoln's home in Springfield, IL, which is run by the National Park Service. It is maintained with a great deal of care. It is a wonderful attraction. I went there as a boy, and I have returned there many times since. Senator DURBIN and I both have our Springfield district offices in the Lincoln home neighborhood, which has been renovated and restored to the way it was when Abraham Lincoln and his family lived there prior to his becoming President.

We also have in Springfield the Abraham Lincoln law office. One can actually go into the very same building in which Abraham Lincoln practiced law for many years in Springfield. He rode the circuit. He did not just practice law in Sangamon County but practiced law all over central Illinois.

In recent years, we have turned up many original legal pleadings and filings drafted by Abraham Lincoln. Many of those documents are now scattered all over the State of Illinois. It would be a wonderful achievement if we could finally have one great Lincoln Library in Springfield to bring all the Lincoln artifacts in the possession of the State of Illinois, as well as whatever members of the public donate for this library, into one tasteful, well thought out monument to the man who is arguably the greatest President of the United States, the one who saved our Union at its hour of maximum peril.

I am concerned that if we don't have tight controls over taxpayer money that is going to build this library, we run the risk of winding up not with a $120 million Abraham Lincoln Library but instead a $50 million building that just happens to cost $120 million. I think there could be no worse or uglier irony than to have a monument for ''Honest Abe'' wind up being a gigantic public works project on which a bunch of political insiders wind up lining their pockets at taxpayer expense.

Let me share some background on the Abraham Lincoln Library, where the idea first started, and how it has changed over the years. I think my colleagues will see that I have reason to be concerned about the growing cost of the project and certainly the magnitude of it within the city of Springfield.

This is a time line: ''The Lincoln Library Project Time Line and Interesting Facts.''

Back in February 1998, then-Governor Jim Edgar proposed construction

of the Lincoln Presidential Library in Springfield and committed $4.9 million in State funds for initial planning and design. At that time, the projected cost of the project was not $120 million. The projected cost was $40 million. They said it was going to come from State, local, and private funds.

Later on, in May of 1998, the project was no longer a $40 million project. It had grown 50 percent in those few months. It was now a $60 million project. According to the Copely News Service, on May 13, 1998, the estimated cost of the Lincoln Library was raised to $60 million, an increase of 50 percent. Senator DURBIN and my predecessor, Carol Moseley-Braun, and Sid Yates, who was at that time the ranking member on the House Interior Committee, were seeking $30 million in Federal commitment for the project. They wrote that the State and the city of Springfield were willing to commit up to $30 million in funds to match Federal support. That was May of 1998. We had gone from $40 million up to $60 million.

By April 1999, less than a year later, the project price tag had gone up again, this time a little bit more significantly. ''Illinois Historic Preservation Association authority spokesman says library may cost as much as $148 million.'' We have gone from $40 to $60 million, and now we are at $148 million. I believe, now, today, since April 1999, they are talking about $115 or $120 million. Gratefully, the cost or the projected cost has gone down from April 1999. We are talking today about a $115 or $120 million project. That is a big building for Springfield, IL.

These are Illinois structures and cost comparisons. This is taken from a State Journal-Register article of May 1, 2000. The State Journal-Register is the newspaper in Springfield, IL. They apparently did some figuring and estimated the cost, adjusted for inflation, of many of the other prominent buildings in the city of Springfield, IL.

Our State capitol in Illinois was built between 1868 and 1888. The estimated cost, adjusted for inflation, of constructing the State capitol in Springfield, IL, is $70 million. The State Historical Library, constructed from 1965 to 1968, would cost $13 million to build today. Keep in mind that with this project—the Lincoln Library—we are talking about a $120 million building. The State Library, redone in 1990, was $6 million; Lincoln's Tomb, done in 1865, $6 million. The Dana-Thomas House, a Frank Lloyd Wright home, which I believe the State owns and manages, built between 1902 and 1904, would cost $9 million.

Now, the State has a revenue department. It is one of the largest departments of the State, and it has a fairly new building that goes back to the early eighties, one of the very large State office buildings in Springfield that was built between 1981 and 1984. The estimated cost, adjusted for inflation, of building it today is $70 million. They have a gigantic convention center in Springfield called the Prairie Capitol Convention Center, constructed between 1975 and 1979. The estimated cost, adjusted for inflation, of building that giant Capitol Convention Center today would be $60 million.

There are also some very notable private buildings in Springfield, IL, that are quite large and significant. One is the Franklin Life Insurance Company building, built between 1911 and 1913. The estimated cost, adjusted for inflation, of building it today is $44 million. The Horace Mann Insurance Company building, built from 1968 to 1972, would be $34.5 million.

So, again, the Abraham Lincoln Library is going to be almost twice as costly as any of these other buildings—almost twice as costly as the State capitol, even though the capitol, I believe, is projected to be about two times the size of the projected Abraham Lincoln Library. We are talking about a very substantial building. It is interesting to note, as well, that the Ronald Reagan Library—a Presidential library which opened in 1991—cost $65 million.

I have indicated to you the magnitude of this project as being something that caused me to really focus on the details of the taxpayer money involved. I noted the size and scope of the construction project, how it had grown from $40 million to $60 million to $120 million in projected costs over a very short period of time. But I also want to refer you to the language in the Interior conference report now on the floor of the Senate, which has come over to us from the House.

The language in the conference report does not tell the people of this country to whom the $50 million is going to be paid. The language of the conference committee report says the $50 million will go to an entity that will be selected later. We are talking about $50 million. Everybody is acting under the assumption that this money is going to be given to the State of Illinois. I think it should be noted that there is no requirement in the conference committee report that is before the Senate that this money is required to go to a public source, such as the State of Illinois. It is required to go to ''an entity'' that will be selected later. Now, could that be a private entity? It appears to me it could because there is nothing in the conference committee report that would prevent it from being paid to a private entity. It says an entity that will be selected later by the Secretary of the Department of the Interior in consultation with the Governor of Illinois.

Now, under the language as it is worded, they could possibly give that $50 million to an individual. I hope that will not happen. I hope the Secretary of the Interior and the Governor of Illinois will not decide to take $50 million of taxpayer money and give it to an individual. But they could under the language before the Senate. There would be no violation of the law if they did. They could also give it to a private corporation. There would be no violation of this conference committee report if the Secretary of the Interior, in consultation with the Governor of Illinois, steered this money to a private corporation. If that were to happen, this money would just have gone out of the public's hands and out of the public control into an area where we could no longer really put much in the way of restrictions on what they did with it. Pretty much the only requirement in the conference report is that this entity, to be designated or selected later, will have to show its plans for the construction of the library.

There is a private entity out there called the Abraham Lincoln Presidential Library Foundation. As far as I can tell, this is a private, not-for-profit corporation that has filed with the Illinois secretary of state's office on June 20, 1990. It has an address of 10 South Dearborn Street, Suite 5100, Chicago, IL. The registered agent's name is J. Douglas Donafeld. I recall Mr. Donafeld as a lawyer in Chicago who does lobby work in Springfield. The corporation's name is the Abraham Lincoln Presidential Library Foundation. This foundation, according to published reports that I have read, has three directors on its board—a Mrs. Julie Cellini, who is head of the Illinois Historic Preservation Agency; Lura Lynn Ryan, the First Lady of the State of Illinois; and Pam Daniels, the wife of Lee Daniels, the Republican leader in the Illinois State House of Representatives. I hope the Governor of Illinois and the Secretary of the Interior will not give these public funds to the private corporation called the Abraham Lincoln Presidential Library Foundation because, if that were to happen, then no one's competitive bid laws, no one's procurement laws would be attached and the money could really be out of the taxpayers' control.

Assume, for the sake of argument, that this $50 million in Federal money would not be given to a private individual or a private corporation and that the Secretary of the Interior and the Governor of Illinois would want it sent to the State of Illinois. I think it is a reasonable assumption that the State of Illinois would turn the money over to the State Capitol Development Board, which usually builds State buildings such as this—builds State prisons and has built the State of Illinois building in downtown Chicago. It is a reasonable assumption that if the entity selected to receive the $50 million is not a private entity, the money would go to the State and the State

would turn it over to the Capitol Development Board, which is known as the CDB for short.

The State contends that if the money is handled by the CDB, the State's procurement law for its competitive bidding laws that applies to the CDB and to other State agencies, such as Central Management Services, and apparently most of the rest of the State government, that its code would apply to the construction of this library and that its code would require competitive bidding of the project.

The Governor of Illinois contends that there is no need for the Federal competitive bidding guidelines to be attached because in his judgment the State procurement code is sufficient.

He also points out that I, PETER FITZGERALD, Senator from Illinois, when I was a State senator representing the northwest suburban Chicago area district in the Illinois State Senate, voted for that procurement code. Indeed, I did in 1997. I believed that code appeared to represent an improvement over the prior procurement code in the State of Illinois. But I regret that there was a loophole in that State's procurement code that I missed in 1997. I regret that I missed it, and I want to make doubly sure that we don't repeat another loophole in this particular project. I didn't recognize this loophole until I sat down and compared the State code side by side with the Federal code.

In my judgment, there are two main problems with the State's competitive bid code.

There are many instances in the State procurement code where there are fairly narrow exceptions to the general requirement for purchases of goods and equipment, building construction contracts, and leases. There are some narrow exceptions sprinkled throughout the code to the general requirement that the project be competitively bid with an overall push towards trying to get the lowest cost bid built into the code. But most of the exceptions built into the code to the competitive bid requirements are fairly narrow.

If the State does not use competitive bidding to buy something, they typically will have to give notice and file written reasons for not going forward with competitive bidding.

But here is a loophole. And here is why this loophole is relevant to this major gigantic project.

Within the part of the State procurement code that deals with the Illinois Capital Development Board, which, as I have explained, is the board or State agency that would be required to construct the Abraham Lincoln Library, provided the Governor of Illinois and the Secretary of Interior don't channel the $50 million in Federal money to a private entity outside the control of anybody but the board of directors of that corporation, the Capital Development Board has a special section in the procurement code. They have a special exemption.

Let us read the Capital Development Board special exemption. You don't need to be a lawyer to understand that this is a rather broad loophole in the portion of the Illinois Capital Development Board's procurement code.

This is from an Illinois statute. This is binding law in the State of Illinois, passed by the Illinois General Assembly, and signed into law by the Governor of Illinois.

30 I.L.C.S. 500/30–15: (b) says:

> Other methods. The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.

The code clearly contemplates that the Capital Development Board shall not have to use competitive bidding; that they can opt out of competitively bidding for this construction contract. That language is plain as day.

The Capital Development Board, in seeking to oppose my amendment which requires the application of Federal competitive bid laws, has circulated a letter that says they have to competitively bid the project under State law. However, their letter makes no reference or attempts to abut this provision of State law.

Here is what their letter says:

> DEAR SENATOR FITZGERALD: Competitive bidding has long been the requirement for State of Illinois construction contracts and was most recently reaffirmed with the passage of the stricter Illinois procurement code of 1998. Only six exemptions to that provision, which are defined by rule and must be approved by the director, exist.

And then they name the exemptions: No. 1, emergency repairs; No. 2, construction projects of less than $30,000 total; No. 3, limited projects such as asbestos removal for which CDB may contract with correctional industries; No. 4, an architecture program which follows a separate procurement process; No. 5, construction management services which are competitively procured under a separate law; and, No. 6, sole source items.

I am not sure what the sole source items are.

But, in any case, they don't refer to this section of the law which seems to me is plain as day.

I am a lawyer, so I didn't find it confusing. I have run it by nonlawyers, and none of them have been unable to understand this. It doesn't seem as if there is any ambiguity here.

It says, ''The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding.'' So they can establish a rule that they can do this without competitive bidding.

What does it mean when they establish a rule, when they say ''rule''?

The Capital Development Board can just write its own rule. It has that authority from the Illinois General Assembly to write its own rule. And in this authority to them to write its own rule, we have an unchecked level of discretion on the part of the State that, in my judgment, leaves too much room for abuse by political insiders in the State of Illinois.

When I saw that was in the bill originally authorizing this appropriations, which as I said, the Senate passed last night with my amendment requiring Federal competitive bid guidelines, and my staff showed it to me, we said this is a giant loophole.

As one paper in Illinois has editorialized it, it is a giant loophole for which you could drive a whole convoy of Illinois Department of Transportation trucks.

I regret that I missed that when I voted for this procurement code of which I was a part back in 1997.

I asked the Congressional Research Service if there was a comparable loophole in the Federal law.

In a memorandum to me from an attorney in the Congressional Research Service at the Library of Congress, it says:

> The exception found in 30 I.L.C.S. 500/30–15, which permits the Capital Development Board to establish by rule construction purchases which may be made without competitive sealed bidding, does not have a comparable provision in Federal procurement law. On its face it appears to be a rather broad exception to the requirement for competition in awarding State construction contracts.

I think it is very clear that is a giant loophole that should not be allowed in a project of this magnitude. Mr. President, $50 million of taxpayer money from the Federal Government is a lot of money. How many Americans are working day in and day out, some families with parents working 2, 2½, sometimes 3 jobs just to pay the taxes, just to pay the cut extracted by Uncle Sam. The American people are fundamentally very generous with their money. They will permit reasonable expenditures for their community, for their State, for worthy projects, but we owe it to all Americans—not just those Americans in my State of Illinois but Americans all over the country—to take great care with their money and to treat it no less carefully than we would treat our own money.

I sometimes wonder whether those who oppose closing this loophole by substituting them with the Federal competitive bid guidelines—which are much more comprehensive, much more thoroughly defined, and which a lot of thought has gone into—if they were building a house, wouldn't they competitively bid or insist that their house be competitively bid if they had to pay for it out of their own pocket? I think they would. I think they would do what they could to secure the best possible

value for themselves. And I think we in government ought to try and treat the taxpayers' money with the same respect we treat our own.

As to another point on the State of Illinois code with respect to competitive bidding, this is a very subtle omission. This is a problem not just in the portion of that code which deals with the Illinois Capital Development Board; it is a problem that permeates the whole code. This is the one loophole that I didn't fully appreciate until I sat down and read the Federal procurement guidelines, side by side, with the State guidelines.

The Illinois rules where sealed competitive bids are required—as we have shown, it is not required; the Capital Development Board can opt out of competitive sealed bidding, but where the code does require competitive sealed bidding—and maybe in this project the State would not opt out of competitive sealed bidding, but say it applied its own competitive sealed bidding guidelines. It is interesting there is a lot of language in the procurement code that gives the State the appearance of a regulator.

On its face, there are a lot of fairly ordinary provisions one would expect in a State procurement code. One thing is interesting. The State code, when it requires the State to go out and solicit bids—say, for a construction contract—they are required under the State code to tell the bidders in advance what criteria the State is going to evaluate in selecting bids. In other words, the State would have to tell prospective bidders how they are going to select the contractor and presumably they would tell prospective construction contractors that they are going to look at cost, workmanship, experience, quality, management. There could be all sorts of factors at which they are going to look. And they have to tell the bidders, in advance, what factors they will look for.

It is interesting; the State code doesn't require the State officials to tell the bidders the relative weight or importance of each of those criteria. The Federal code does. Federal law requires that sealed bid solicitations disclose in advance all significant bid evaluation factors and the relative importance of each factor and whether nonprice factors when combined, will be accorded more, equal, or less weight than price.

The citation for that Federal requirement is at 41 U.S.C. section 253(a). The State code, by not requiring that the State tell you in advance what weight they are going to assign the different criteria, allows a purchasing officer for the State to pick any bid he or she wants and explain his decision by saying that the one factor for which that bid was better or the combination of factors for which that bid was better was the most important factor.

That subtle omission in the State law allows practically any decision the State makes to be rationalized after the fact. So, conceivably, somebody could come in, and say we have a $1.5 million construction project. Somebody bids $1.4 million; the other bidder bids $1.6 million. The State can give the award after the fact to the high bidder, the $1.6 million, and say they decided the management experience and the quality of the higher bidder was more important than the cost that you, the low bidder, offered. They could move the goalpost after the fact and there would be nothing the losing bidder could do. There would be no challenge. There is no State procurement law because no State procurement law was violated. In fact, it would be very difficult to violate the State rules.

When I reflected on this, it occurred to me that after almost a lifetime of living in Illinois and reading about procurement scandals and reading investigative report after investigative report by the Chicago Sun Times, the Chicago Tribune, the Associated Press, on leases that ripped off the State, on construction projects that ripped off the State, on contracts of many sorts on which the taxpayers appeared to not have made out well, we rarely, if ever, heard of any legal challenge or of any prosecution. It is very hard to violate the State code. It is that subtle omission. I believe that needs to be tightened up.

The Federal code is much better at buttoning down the procurement officials, and under the Federal law we hear of challenges to Federal officials awarding bids to somebody. If there is a basis for challenging it because the bidder whose bid was rejected can say, hey, these procurement officers told me that cost was 75 percent of it and workmanship was the other portion, but they violated those guidelines. The Federal law does a better job of pinnning down the State officials so they cannot keep moving the goalposts and award the projects to their political friends.

In my judgment, the Federal code does a much better job of lowering the potential for political favoritism in the award of contracts using taxpayer money.

If I may, for a moment, I would like to now turn to the context, the overall general context in which I come to the Senate floor to argue against language in this conference committee report that comes to us from the House with the requirement of competitive Federal bidding of the $120 million Abraham Lincoln Federal Library in Springfield, IL—the requirement of competitive bidding according to Federal laws—stripped out of it.

I reviewed early on in my discussion how the cost of this project had gone from $40 million to $60 million to $120 million; that we are talking about a lot of money. This would be a monstrous building within the city of Springfield, one of the biggest buildings, in fact, save for the Springfield Memorial Hospital. But I also want to give the rest of the picture, the other parts of the puzzle that cause me to have great concern and to feel as strongly as I do that there ought to be tighter controls on the spending.

Illinois has a long history of having had problems in State procurement. There have been questions before about capital construction projects involving the Capital Development Board. In fact, I would like to read an editorial from the Peoria Journal Star, dated Wednesday, March 16, 1994:

> To the Illinois Capital Development Board for giving River City's construction companies an unfair advantage—thumbs up.
>
> Giving an unfair advantage in bidding to manage construction of a southern Illinois prison, River City submitted the low bid and the board's staff recommended its acceptance. But the board rebid the project and awarded it to a Chicago firm, knowing what River City had bid, which, knowing what River City had bid, lowered its own offer. The process is doubly tainted because the Chicago firm, together with its subcontractor, had donated $10,000 to a previous Governor's campaign. The perception, rightly or wrongly, is that River City lost the contract because it didn't ante up.

There is another article about a more recent capital construction project. This is an article from the Chicago Tribune, dated January 6, 2000. The headline is:

> New Prison Benefits Ryan Pal: $33,000 payday seen in land deal.

The article is by Ray Gibson, a Tribune staff writer. I would like to read this article because I think it shows the problems that can occur. I would like to set forth the context, why one could, on a large construction project in Illinois, reasonably be concerned about whether the money is all channeled into the project and that none of it is frittered away in rewarding political pals.

> When Gov. George Ryan announced last month that his home county of Kankakee was the winner in the latest Illinois prison derby, he talked about how the new $80 million women's facility would create jobs and other opportunities for economic development.
>
> What he didn't say was that one of the first to benefit would be one of his top supporters and fundraisers, real estate developer Tony Perry, who was among the dignitaries on the date for Ryan's announcement.
>
> Perry, acting at Ryan's behest as the point man for Hopkins Park and Pembroke Township's bid for the new prison, personally acquired options on the 120 acres the state will buy to construct the new women's facility.
>
> By Perry's own account, the current owners will pay him about a 5 percent real estate commission, which would amount to about $33,000, when he exercises his options to acquire the land. Then he will sell the land to the state. Right now, he says, he plans to sell the acreage for the same price he will pay—about $5,500 an acre.
>
> But state officials say that price is still open to negotiation and his profit could be

higher. And Perry also acquired options on two other tracts of land near the prison site that are almost certain to be developed.

A Tribune examination of how Perry, the governor's longtime friend, came to act as the middleman for the proposed prison construction illustrates anew the financial advantages political insiders reap under Ryan, already under fire for questionable leases of state facilities during his tenure as secretary of state.

Perry's role in the selection of Hopkins Park and Pembroke Township for the prison site began last summer, as the sweepstakes among Illinois communities vying for the new penal facility got under way.

At a luncheon, Perry said—he doesn't recall where—the governor asked him to help the impoverished Kankakee County communities complete the required paperwork to finalize their bid for the new facility.

Perry went to work, first meeting with local officials.

''Tony Perry told us the governor sent him. . . . The governor sent him to make sure the paperwork got done correctly,'' said Hopkins Park Village Clerk Pam Basu, who opposes the prison project.

Then Perry set about meeting with landowners to persuade them to sell the farmland, and he personally obtained options to acquire 480 acres, representing three proposed sites in the area. Although the state now needs only 120 acres for the site, Perry originally obtained options for three 160-acre parcels of land.

He researched the cost of supplying utilities to the site and rounded up vital statistics about one of the state's poorest communities.

For all that work, Perry was not paid, according to local officials.

But now that the state is set to acquire 120 acres of land where the new women's prison will be constructed, Perry says he stands to make a 5 percent commission—or about $33,000—from the sale of the land to the state.

Perry's role in the development now has touched off a local controversy. According to Basu, the decision to allow Perry to act as the communities' representative was never discussed at any township or municipal board meeting. Nor was his agreement with the sellers to act as a real estate agent and collect a fee ever disclosed, she said.

Nonetheless, other local officials said Perry's help was vital to the communities securing the prison.

''He was the key component. He was very instrumental in helping,'' said Hopkins Park Mayor David Legett.

But others say Perry's commission, and Ryan's decision to tap him for the job, is just another example of insider politics.

''To me, it sounds like more ways to take care of his close friends,'' said Jim Howard, executive director of Common Cause, a taxpayers lobbying group. ''It just reinforces the public attitude how bad and dirty politics is in Illinois.''

Perry's role in the Hopkins Park prison is unusual on several counts. This will be the first time in two decades that the state will pay the entire cost to buy private property to construct a new prison. During 26 previous construction projects, the local communities vying for the prison sites have either supplied the land free or paid a portion of the state's purchase price. If the state only reimburses Perry for his cost per acre, it stands to pay $660,000 to acquire the land, the first time the state has paid so much to acquire a prison site in at least 20 years.

A spokesman for the governor would not comment on why Ryan asked Perry to step in and help with the application other than to say that Perry was a real estate professional who has a long history in economic development in Kankakee County.

While many of the communities participating in the prison derby hired lobbyists, Perry's role was unique in that he, and not local public officials, acted as the point man for the project.

''He was pretty much spearheading the communities effort,'' said Nic Howell, a spokesman for the Illinois Department of Corrections. ''He was the contact.''

Howell said the agency did not know if Perry was being paid.

''I have no idea. None whatsoever. I don't know that he's not doing this out of the goodness of his heart,'' said Howell, adding that he was unaware that Perry would receive a commission on the sale from the seller.

Howell said the state wouldn't make any offer to buy the property from Perry until after it does appraisals.

Perry said that he is now trying to spur development around the new prison, but he insisted he is not going to act as a developer. He has been meeting with builders and developers and trying to woo them to bring everything from housing to industrial development to the area.

''I am not the developer. I am the orchestrator,'' he said.

State officials will spend millions of dollars to bring utilities such as sewers, gas, and water to the prison site from as far as two miles away, improvements that will increase the value of nearby properties as well.

If the prison's construction fulfills the communities' dream of development, the land near the prison could be filled with gas stations, restaurants, housing and other development.

Perry also has options to purchase two adjoining 160-acre parcels of land that were also proposed for the prison site. He said in a recent interview that he will not execute the options to buy those 320 acres, saying it would be improper to benefit as a developer.

''I can't work on somebody's behalf'' and turn around and develop the property, he said.

Perry is a longtime friend of Ryan's and a fundraiser. Just four weeks after Ryan announced in September 1997 his intention to run for the governor's office, Perry chaired one of the first major fundraisers for Ryan's campaign in Chicago.

Since 1994, Perry and the firms that he operates have donated nearly $19,000 to Ryan's campaign fund. One of Perry's ventures, a nonprofit corporation that was formed to help economic development in Kankake County, donated $2,250 to Ryan's campaign, despite federal tax laws that prohibit it from making political donations.

State officials and Ryan have contended that there were plenty of good reasons why the site was selected over bids from the two other finalists, Freeport and Wenona.

Pembroke Township is statistically one of the poorest areas in the state and nation. Fifty-two percent of its 3,657 residents live below the poverty level, and its unemployment rate is four times higher than the state's rate. The site also is close to the Chicago area, where many of the prisoners' families reside.

Even Ryan joked at the Dec. 9 press conference when the site selection was announced that his roots in the county may have influenced the decision.

''This is one of the advantages in supporting a local guy for public office,'' he said. ''I can't imagine this would've happened if I hadn't been elected governor.''

Despite the potential for enormous economic assistance from the project, not all Pembroke Township residents are throwing out the welcome mat for the prison.

A group of about 200 residents called Pembroke Advocates for Truth sprang up in the last several months to try to stop construction, saying they don't believe the economic benefits will trickle down to the community. They point to Perry, who lives in nearby Bourbonnais, as an example of how outsiders are more likely than locals to reap the benefits.

''There are a lot of angry people out here,'' said Beau, who is a member of the group.

Perry said Ryan approached him and asked him to help because the two communities needed assistance with the paperwork. Perry said he contacted local officials and offered his services.

A Ryan spokesman said the governor ''doesn't recall the conversation quite that way,'' but he declined to elaborate.

Records show that Perry paid little, if anything, for the options on the property. Because no cash was needed for the transactions, either Pembroke Township or Hopkins Park could have entered into the option agreements with the local landowners, as did another finalist, the City of Freeport, records show.

Perry told the state in September that it could expect to pay $6,100 an acre for the 160 acres it would purchase. The state recently has said it will purchase only about 120 acres.

Now, Perry said he will sell the land to the state at $5,500 an acre, the price he is paying the owners.

(Mr. SMITH of New Hampshire assumed the chair.)

Mr. FITZGERALD. Mr. President, there have also been a number of problems involving Illinois leases that go back a number of years. I turn my attention to an examination of State leasing practices. We have, thus far, been dealing with the State procurement code, how it bids out projects for construction, but also part of that code governs how the State handles its leases and whether it competitively bids leases for office space or other space that the State of Illinois may give.

In an examination of this overall context of insider deals that have happened and swirled around and been going on in Springfield for a very long time, I want to focus on a couple of articles that go back a little bit further to December 29, 1992.

There was at that time a series that was run in the Chicago Tribune that was called ''Between Friends. In the new era of patronage, the politically connected get something better than jobs—lucrative government leases.''

This article I am going to read is the third in a series. The headline is ''Helping Their Cronies Is The Lease Politicians Can Do.'' The byline is by Ray Gibson and Hanke Gratteau:

Before Paul Butera decided to shut down and sell his grocery at 3518 W. Division St., his telephone started ringing.

The interest in his property, an enormous parking lot backstopped by a single-story brick structure of 30,000 square feet, astonished him.

Located in a working-class area, the grocery had served Butera's family well for four years. But business had waned since a large grocery complex opened nearby. Although he had yet to list the property with a real estate broker, Butera began getting calls about whether the Humboldt Park property was for sale.

''The property got very hot very fast,'' he recalled.

Several weeks before Butera closed the deal in July 1991, he learned the buyer planned to convert the grocery into office space and rent it to the state for the Illinois Department of Children and Family Services.

Unbeknownst to Butera, the state and the buyer, Victor J. Cacciatore, Sr., had hammered out the details of the lease four months before Butera sold the property.

The lease was signed in apparent violation of state purchasing laws that require disclosure of building and land owners. State officials signed the lease relying on Cacciatori's representation that he was the owner of the building, said Helen Adorjan, a spokeswoman for the state Department of Central Management Service, or CMS.

The state has done business with Cacciatore for decades, and, for just as long, Cacciatore had been a faithful campaign contributor.

Patronage, the process of rewarding political cronies at taxpayers' expense, has been big business in Illinois. Even though court decisions and taxpayers' outrage largely have stopped the practice of putting supporters on the public payroll, elected officials still find ways to divide the spoils.

Contracts are the mother lode for a new age of patronage. Deals to lease properties, perform services and produce goods for the state are now a $4.6 billion-a-year industry, a business that has more than doubled in the last decade.

The state's need to house its burgeoning bureaucracy has been a gold mine for those seeking to lease land and offices to the state. From 1981 to 1991, the state's rental costs climbed to $104 million annually, a 177 percent increase. Those with connections, such as Cacciatore, are cashing in.

The state's landlords include major donors to the gubernatorial campaigns of James Thompson and Jim Edgar. In the last four years, Edgar's campaign fund has received more than $178,000 from people who lease offices to the state, disclosure forms show.

Those people include Cacciatore, who has contributed at least $9,000 to Edgar's campaign fund and has received two state leases since Edgar took office. During the final seven years of the Thompson administration, Cacciatore donated more than $27,000 to Thompson's campaign. During that time, he was awarded five state leases.

The DCFS deal marked the second time Cacciatore had offered to rent to the state the building he did not own. Records show he first proposed the Division Street grocery as an office building in March 1990, more than 15 months before he bought it.

Other large states have specific procedures to secure property, but Illinois' methods are much more fluid, said Michael Bartletti, manager of the Bureau of Property Management for CMS, the leasing agent for most state departments. Requirements vary according to geographic and agency needs, he said.

For example, sometimes the state publishes an advertisement seeking potential sites. Sometimes it does not. Sometimes state leasing agents search specific communities for appropriate buildings, Bartletti said. Sometimes they do not.

Bartletti said CMS rules ''encourage'' the obtaining of price quotes on ''two or three sites'' that would meet state needs. The rule, he said, ''encourages competition. It doesn't require it.''

In the Cacciatore deal, the state did not advertise its need for DCFS office space, records show.

Instead, CMS officials relied on responses to a year-old advertisement published when the Illinois Department of Public Aid sought similar office space, Adorjan said.

Cacciatore had proposed the Division Street grocery as a potential public aid office, Adorjan said, so the site was suggested to DCFS.

CMS records on the DCFS office hunt reflect that the agency obtained price quotes on two other locations. But an owner of a building the state said it surveyed told the Tribune that he never was contacted.

Records state that officials with CMS contacted an individual named ''Boris Amen,'' who was trying to sell a 28,000-square-foot building at 2950 N. Western Ave.

But officials at Advanced Transformer, the owner of the 130,000-square-foot factory at that address, said that they never offered their property to the state and that they did not know Boris Amen.

''I have never had any discussions with the state,'' said Sol Hassom, a vice president for the company.

Records also state that CMS obtained a price quote on a lease from owners of a building at 3011 N. Western Ave. No such address or building exists. An owner of a nearby 9,000-square-foot building said he never has offered it for rent.

Adorjan acknowledged the records were filled with inaccuracies, but she maintained that the agency obtained other competing prices that are not reflected in the records.

''It is obvious that they are just sloppy records,'' she said. ''They obviously did a sloppy job.''

Records show the state will pay $2.3 million over the next five years to rent the grocery, which Cacciatore bought for $775,000. With his partners, Cacciatore holds seven state leases worth more than $1 million a year.

The state is paying $17.05 a square foot for space, utilities and janitorial service for the Humboldt Park building. That rate, according to Realtors, is comparable with rates in fancy Loop high-rise buildings.

''You can do better than that in the Loop,'' said George Martin, a real estate broker. ''You can get $13 (a square foot). What you are talking about out there doesn't even make sense.''

Adorjan said the rent the state is paying was fair and comparable with others in the area.

Cacciatore, in a written response to questions, argued that the high rental rate partly reflects remodeling costs needed to meet the state's requirements.

Cook County records show Cacciatore's company spent $450,000 on remodeling. According to the lease, Cacciatore will recoup his initial investment and renovation costs within the first three years.

Cacciatore's company and appraisers successfully argued earlier this year to lower the property's tax assessment. Their plea was based partly on data showing that the state was paying rent that was $5 a square foot to $6 a square foot above market rates and that, therefore, the rent did not accurately reflect the building's value, county records show.

''Confronted with the pressing need to service the area with a field office and the lack of such appropriate office space, (the state) was willing to pay a rental premium,'' the company's written appeal stated.

Cacciatore also has sold property to the state. The state's 1990 purchase of $1.9 million of Cacciatore's property in Lake County for a proposed state highway provoked public outcry there. At his request, the property was rezoned for development, forcing the state to pay 20 times the price it normally pays for vacant land.

One south suburban landlord who leases property to the state said renting office space to the state is an insider's game fraught with politics.

The landlord, who asked not to be identified, told the Tribune that when he was notified that a state agency was leaving his building in the midst of a long-term contract, state officials told him to see William Cellini, a top Republican fundraiser.

''I was told, 'If you want to get a state lease, go see Mr. Cellini,'' he said. He did not, and the state canceled his lease.

Cellini headed the state Transportation Department under Republican Gov. Richard Ogilvie. He has not been a state official in nearly two decades but remains one of Springfield's most influential insiders. His sister Janis is Edgar's patronage chief, and the transportation agency still seeks his counsel, according to former and current officials.

''I chuckle sometimes when I hear some of the stories in Springfield about what all (Cellini) controls. That's not true,'' Edgar said in an interview.

Cellini and Cacciatore, along with another former state official, Gayle Franzen, were business partners in 1991 on the purchase of a 140-acre parcel in south suburban Hazel Crest, records show.

Franzen said Cacciatore invited him to become a partner on the Division Street grocery, even though Cacciatore told the state he was the sole owner. Franzen said that he declined. Cellini, through an aide, said he had no current interests in any state leases.

In addition to holding leases with the state, Cacciatore is a director of Elgin Sweeping Services Inc., which has reaped nearly $40 million in contracts with the state's highway department since 1970, when Cellini headed the department. The contract is based on competitive bidding, but no company has submitted a competing bid in 10 years, state records show.

Let me read that sentence again. The State, of course, on this $120 million library, is assuring us that there will be the application of what they call their competitive bid rules. But in this article, it says:

The contract is based on competitive bidding, but no company has submitted a competing bid in 10 years, state records show.

Some state landlords scoff at the notion that political favoritism influences the way the state shops for land and space.

Anthony Antoniou, a Du Page County real estate developer, is among them. His firm holds a lease that is among the state's most expensive, with $5.2 million in annual payments for an unemployment office on Chicago's State Street.

Antoniou, a contributor to Thompson and Edgar, said his firm found that politics

played virtually no role in the decision to lease his building.

Nevertheless, when Antoniou began discussions with the state about possible purchase of the State Street building, he turned to state Sen. Howard Carroll for help. Carroll, a Chicago Democrat, heads the appropriations committee that approves the budget for CMS, the agency trying to buy the building.

''Harold Carroll is a friend,'' Antoniou said. ''He may have given some peripheral help. I met with him through my wife who lobbies (in Springfield).''

Carroll said that Antoniou asked him to find out the status of possible state funds to buy the building.

''We did some checking and we didn't see any funds in the budget,'' Carroll said.

Illinois' lease costs are comparable to what officials in New York, Florida and Texas spend on land rights and office space. California, which has nearly twice as many state employees as Illinois and whose real estate costs are notoriously exorbitant, spends more than $270 million a year on leases.

But the manner in which leases are let in Illinois differs greatly from methods used in Florida, Texas and California. In those states, landlords must submit sealed bids to state officials who are required by law to award leases to the lowest and best competitive bidder.

Illinois officials reject the notion of competitive bidding on leases.

Let me read that line again:

Illinois officials reject the notion of competitive bidding on leases.

Competitive bidding has never been popular in Illinois with public officials, and that is what is at stake here on this $120 million Lincoln Library, where objections were made to the U.S. Senate's requirement that Federal competitive bid guidelines be attached to this $50 million authorization for a $120 million building in Springfield, IL.

Quoting again:

The Tribune found that state rental procedures are so casual that state files on negotiations for some properties are little more than handwritten scrawls of price quotes from building owners.

Officials have maintained for more than a decade that state law does not require competitive bidding on leases, despite admonishments from the state auditor general. The absence of competitive bidding, the auditor general has warned, has deprived taxpayers of the ''assurance that its best interests were served.''

Let me interject at this point, since this article was written, the State's procurement law has been updated and presumably improved to some extent. But in our discussion and our examination today, we are trying to emphasize that not all loopholes have been closed and that the State rules still allow a high degree of discretion and leave a high amount of decisionmaking authority up to subjective preferences of State officials and that leaving that kind of unchecked discretion in State officials' hands opens the potential for insider abuse of Illinois procurement, whether it is leasing a building, building a building, or buying goods and services from the State.

Continuing from the article:

The Tribune investigation of state purchasing found that CMS sometimes has disregarded its own internal rules established to ensure fair pricing and competition.

In some cases, state agencies seeking to lease space compose written requirements that virtually rule out competition. Specifications also have been tailored to steer state agencies to sites owned by the connected, as in the case of a $9.3 million deal in Peoria.

Let's back up on that. In some cases, you have the State claiming it has competitive bidding, but what they do is, State agencies seeking to lease space compose written requirements that virtually rule out competition. They put restrictions on who is eligible to apply. The State did that with how they awarded river boat licenses in Illinois, and we are going to get to that later this afternoon when we examine how the State awarded the phenomenally lucrative 10 river boat licenses that somehow just happened to—I guess it was coincidence—all wind up in the hands of long-time contributors, in many cases, for many of those river boat licenses.

Continuing from the article:

Twelve days after the Illinois Department of Transportation informed CMS that it had outgrown its district headquarters in Peoria, officials with CMS asked the governor's office if G. Raymond Becker, a multimillionaire real estate developer, was eligible to become a state landlord.

The written query, dated March 19, 1990, was necessary because Becker was a Thompson-appointed member of the Illinois Capital Development Board, whose executive director is required by state law to review all state leases.

CMS officials wanted to know if Thompson would waive a state conflict-of-interest law prohibiting state officials such as Becker from doing business with the state.

Such waivers are somewhat routine in Illinois, but the request was unusual because CMS officials had not yet advertised the state's desire to rent office space in Peoria, records show.

But Becker, a member of Thompson's Governor's Club, a circle of campaign contributors whose donations totaled at least $1,000, already was being considered for a state contract for space in the 16-story office building he was constructing in downtown Peoria.

Months later, the state published an advertisement from new Peoria space, specifying narrow geographic boundaries that essentially reduced the competition to Becker's building. Another developer, Dianne Cullinan, who had a downtown site under construction next to the state's targeted area, expressed interest but later halted talks after much of her building was leased.

Negotiations with Becker, the lone landlord under consideration, lagged for several months. But in January 1991, the deal was completed within a week—the final one of Thompson's tenure.

Thompson waived the conflict of interest law for Becker, noting that his proposal—the only one that had been on the table for four months—was the best of two submitted. Yet, records show that neither Cullinan nor anyone other than Becker had submitted a formal proposal.

The Becker deal stands to be worth more than $9.3 million over the next 10 years if the state renews the lease after the first five years. IDOT offices fill about one-third of the building, which Becker built with a $3.2 million Peoria city bond and private loans of $8 million.

''It was a very good deal because I am doing much better with the rest of the leases,'' Becker said. The IDOT lease, he said, helped him charge higher rates for the lower floors. By August, shortly before IDOT moved in, two-thirds of the complex had been rented, Becker said.

The lease also carried the promise of revitalizing Becker's adjacent properties: a twin-story condominium and a small office complex that have been suffering from high vacancy rates.

Whether the deal was as good for taxpayers as it was for Becker is another question.

Of course, that line in this article—''Whether the deal was as good for taxpayers as it was for Becker is another question''—kind of goes to the heart of our debate today because we want construction of the Presidential library for Abraham Lincoln in Springfield, IL, to be as great a treasure for and as good a deal for the taxpayers of Illinois and this Nation as it is for everybody who winds up actually building the building or owning other buildings right next to it, which will benefit from the tourism that comes in.

State officials maintain the Becker lease is less costly than building a Peoria headquarters.

They point to a January 1991 study conducted by an outside consulting firm that concluded that over a 10-year period, the state would pay about $11.4 million for construction, operating costs and debt service on a new building, compared with slightly less than $10 million in lease costs in the same period.

But the study was based in part on the consultants' assumption that the state would have to acquire land for the project, records indicate.

''We are not aware of other state-owned space in the Peoria area that would be suitable for the (IDOT) space needs,'' the study stated. ''Also, we did not examine the cost of buying and renovating an existing facility. . . . Additionally, we did not address the availability of bond funds to finance the construction of a potential facility.''

Three years earlier, IDOT had proposed building a Peoria regional headquarters and materials-testing labs on a 34-acre site owned by the state on the city's west side.

The price tag at the time was $7.16 million, said Richard Adorjan, an IDOT spokesman.

The General Assembly refused to appropriate funds for the project, so the state decided to lease. Adorjan said IDOT was never told about the 1991 study comparing the costs of leasing with the costs of a new building.

CMS officials say they never considered the 34-acre site for building because it was ''too rural,'' Bartletti said.

The site is 9.3 miles from Peoria's downtown, said a CMS spokesman. IDOT's main headquarters in Springfield is about four miles from downtown.

IDOT's former Peoria headquarters, a sprawling brick structure with 36,000 square feet on the city's north end, will continue to house materials-testing labs, but the site soon will be largely abandoned.

The IDOT lease was not Becker's only deal with the state.

Soon after signing the IDOT lease in Peoria, Thompson aides signed a $1.1 million

lease for the Illinois Department of Employment Security to move into a building owned by Becker's business partner, Russell Waldschmidt. Less than a year later, Waldschmidt sold the building to Becker's son, George Raymond Becker, Jr.

Later in 1991, the General Assembly restored funding for leased office space for the Illinois Industrial Commission in another Becker-owned building. The five-year lease is worth about $41,000 annually.

Becker's construction company also has been a successful competitor for state road building jobs. In 1987 and 1989, his company was the low bidder on two contracts worth nearly $2 million for paving and resurfacing state highways near Peoria, an IDOT spokesman said.

Becker and his partner, Waldschmidt, said Becker's status as a confidant to the Thompson administration played no role in landing the leases.

But administration sources said Thompson's aides demanded that the transportation agency lease be signed before Thompson left office. Some top administrators had favored putting the lease on hold, a common practice during transitions, since it would bind Edgar's administration to the pact. Their concerns, however, were overruled by Thompson's key aides, according to interviews.

Even after Thompson left office, he continued to turn to his old friend for favors. Several months after Thompson left the Executive Mansion, the developer lent his private airplane to the former Governor to fly to Jackson, Miss., for a Republican Party function, according to a Thompson spokeswoman.

CMS officials have been at loggerheads with the state Auditor General's office for more than a decade because of their insistence that state law does not require leases to be competitively bid.

Again, what we are talking about here is competitively bidding a construction contract. The House has taken a position in opposition to the Senate's requirement on an appropriation of $50 million to the State of Illinois that that money be competitively bid, that the construction contracts be competitively bid in accordance with the Federal law. The House position on this, to date, is that the project not carry that restriction and that States' so-called competitive bid guidelines are adequate.

We are here examining some of the problems that have occurred in recent memory in the State of Illinois regarding leases, construction projects, and the like, which really weren't what we would think should be a proper competitive bidding and where there has been some slippage.

State purchasing laws, a hodgepodge of more than 100 provisions adopted over the years, make no mention of leases. And a 1981 report by state auditors found that 96 percent of the state's leases were awarded without bid.

That is why there are so many articles inches thick and investigative reports, over many different administrations and many Governors in the State of Illinois, of deals that appeared to involve, or may have involved, or the writers thought involved, political favoritism.

CMS has argued that because leases are not specifically included among the goods and services required to be competitively bid, they are exempt from bidding. State auditors have argued that because leases are not listed among the exemptions, they must be bid.

There is no way to competitively bid real estate, said the CMS' Bartletti.

Simply put, there are no two real estate parcels in the world that are alike. Real estate is exclusive by definition. There is only one parcel at a certain intersection. Location is everything in real estate, he said.

Among the State purchasing reforms to be proposed in the general assembly's spring session will be a requirement to bid leases competitively, said State Senator Judy Barr Topinka (R-Riverside).

The proposed reform, Topinka said, is prompted largely by ''the scandal'' created by a lease state officials signed in 1989 to rent the shuttered St. Anne's Hospital on Chicago's West Side.

State officials needed the building to house patients from the Illinois State Psychiatric Hospital, which had to be closed for extensive renovations.

Taxpayers will end up paying $16.1 million for a four-year lease of the hospital, including costs of transferring patients, mainly because the lease failed to shield the state from huge repair bills.

The state could have bought the building for $3 million.

Let's review that again.

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The State could have bought the building for $3 million.

The State could have bought it for $3 million. But they will end up paying $16 million for a 4-year lease of the hospital.

In that difference between $16.1 million and $3 million, look at the money that was lost for the taxpayers. How many taxpayers had to work how many hours? How many couples had to struggle working 2, or 2½, or 3 jobs to pay their taxes to the State of Illinois and to the Federal Government just to see that money go to State officials?

Some might conclude from such articles that in many cases when there are not proper controls, what the State officials wind up doing with that taxpayer money is really tantamount to lighting a match to it.

I now move on to another issue that has been talked about in Illinois for a very long time. It actually goes back to the early 1980s, and it is still a problem for the taxpayers in the State of Illinois. That is the subject of hotel loans given out by the State that were never fully repaid.

There are some of these issues that we could highlight on which I am seeking to narrow the focus and ultimately tie all of this back into what is going on down in Springfield.

I am going to turn to a discussion of State loans that were made back in the early 1980s for the construction of several buildings around the State, including two hotels: One in Springfield, IL, and the other, as I recall, at Collinsville, IL, which is down in the southern part of the State in the metro East St. Louis area. I am very familiar with both of these hotels. Of course, I see them often on my trips to Springfield and Collinsville. These hotels are actually pretty famous in the minds of many taxpayers because the taxpayers gave loans for the prominent people to develop these hotels and the loans were never fully paid.

This article, which comes from the Chicago Sun Times, dated April 26, 1995, is by Tim Novak, who at that time was in Springfield. He wrote this article. The headline is, ''Taxpayers Stuck With $30 Million Hotel Tab.''

Illinois taxpayers will lose $30 million today when state Treasurer Judy Baar Topinka closes the books on two hotel loans that former Gov. Jim Thompson and former Treasurer Jerry Cosentino made to political cronies.

The hotels owe the state $40.3 million under low-interest loans they got in 1982, but Topinka has agreed to settle their debts for $10 million, the Sun-Times has learned. She plans to announce the deal today.

Under the deal, the Springfield Renaissance Hotel headed by Republican power broker William F. Cellini will pay the state $3.75 million of the $19.8 million it owes.

The state will also collect $6.3 million from the Collinsville Holiday Inn, partly owned by Gary Fears, who raised money for Democrats and Republicans. The Collinsville hotel owes the state $20.6 million.

Topinka said it's the ''best deal'' she could get from the hotels, which have often skipped loan payments while their value has fallen. The deal will save the state at least $6,000 a month it spends to manage the loans.

''The taxpayers are going to take a bath, no question,'' Topinka said. ''But the property is so depressed, we will never get back what we spent. Our little escapade into the hotel business has not been remarkably fruitful.

''I may open myself up to criticism on one hand, but on the other hand, I have got to settle this because the longer this goes on, the more we lose because the property value (of the hotels) keeps going down.''

Former Treasurer Patrick Quinn, a Democrat, said Topinka is giving another sweetheart deal to political insiders.

''These particular individuals . . . are getting off very lightly,'' Quinn said of Cellini and Fears. ''The taxpayers are being fleeced again. They were fleeced when the loans were made. They were fleeced when the loans were refinanced.

''If you foreclosed, you would have assets that you can sell for a greater price than they're getting now,'' Quinn said. He claimed that the hotels are worth far more than the $10 million the owners will pay under Topinka's deal.

Local assessors say the hotels are worth a total of $13.2 million—$7.9 million for the Springfield hotel and $5.3 million for the one in Collinsville.

Topinka said the hotels are worth only a total of $6.5 million, much less than the $10 million the state will receive. Topinka said

the Springfield hotel is worth $3 million and the one in Collinsville is worth $3.5 million.

''I didn't make the (original) deal,'' she said. ''I'm the garbage man trying to clean up.''

The loans were to expire in 2010. The state cannot foreclose on the hotels until 1999, and then only if the debts exceed $18 million on the Springfield hotel and $19.9 million on the Collinsville one.

Quinn spent four years trying to get money out of the hotel owners, particularly Cellini, who made millions as the lead investor of the state's first riverboat casino, the Alton Belle.

Quinn urged the Illinois Gaming Board to revoke the casino license last year unless Cellini pays off the hotel loan. The board refused, saying the hotel and casino were separate, state-sanctioned deals.

Cellini is among 80 investors in the Springfield hotel. He could not be reached for comment. B.C. Gitcho, managing partner of the Collinsville hotel, referred questions to attorney Dan K. Webb, a law partner of Thompson's.

Webb, who represents both hotels, could not be reached for comment.

Thompson, a Republican, and Cosentino, a Democrat, made the hotel loans in 1982 under the governor's Build Illinois program, designed to create economic development and jobs.

Cellini's group, President Lincoln Hotel Ventures, used the money to build a luxurious hotel about six blocks from the state Capitol. Fears' group, Collinsville Hotel. Venture, built a hotel about 20 miles east of St. Louis.

The loans originally had a 12.25 percent interest rate. The owners were required to make mortgage payments only in those quarters in which the hotels made profits. The owners often skipped payments, claiming they made no money in those quarters.

Before Thompson and Cosentino left office in 1991, the loans were restructured with a new interest rate of 6 percent. The interest was deferred until the principal was paid off.

Since 1982, the state has collected $1.3 million from the Springfield hotel and $1.4 million from the Collinsville hotel.

Mr. President, there is another article on that hotel loan. I point out at this time the hotel for which that loan was given, that was built in Springfield, IL—one of them was for a hotel in Springfield, the other for a hotel in Collinsville, IL.

This is a map of downtown Springfield. This is the State capitol where I used to go when I was a State senator in Springfield for 6 years. This is the Abraham Lincoln neighborhood. Mr. Lincoln's neighborhood is run by the National Park Service. Abraham Lincoln's home is here. Senator DURBIN and I have our Springfield district offices in that neighborhood. It is beautifully maintained to look as it did in Mr. Lincoln's era.

Here is the Springfield Convention Center, and next to the Springfield Convention Center we see the Renaissance Springfield Hotel.

As we saw that investor deal, headed by Mr. William Cellini from Springfield, they got that $15 million—I believe was the loan—back in the early 1980s. There was an attempt to settle the loan after not much of that money had been paid back. In fact, that settlement that was just described, to my knowledge, never went through.

I will continue reading some articles and examining this hotel issue because since it is so close to where the proposed Lincoln Library site is, I think this will give a picture of how this connects together and why in my mind—being familiar with this whole history—red flags were raised. I believed we were on notice that we needed to do everything we could to protect taxpayers' money in the construction of that proposed Lincoln Library, which is a $120 million project.

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

Mr. FITZGERALD. I yield.

Mr. DORGAN. I believe I will be recognized following the Senator's presentation, but for purposes of timing, how long does the Senator expect to continue speaking?

Mr. FITZGERALD. I will speak as long as I need to make the point on this project. I imagine it will be for quite some time.

Mr. DORGAN. If I might, the Senator certainly has a right to speak for as long as he chooses once he is recognized in the Senate, but for the purpose of others who desire to speak on the conference report, I am curious if we could get some time frame.

I am willing to come back to the Chamber if the Senator will give me an idea of when he might complete his remarks.

Mr. FITZGERALD. All I can say at this time—I hope the Senator will appreciate this—I will need an extended period of time, and I cannot give a good timeframe. You may want to go back to your office.

Mr. DORGAN. Mr. President, that is a fair answer.

I ask if, perhaps 10 minutes before the Senator finishes, he would say ''in conclusion,'' which would trigger me to come back to the floor.

Mr. FITZGERALD. I will do that.

Turning to a June 5, 1995, Chicago Tribune article, by Rick Pearson, a Tribune staff writer, the headline is: ''Taxpayers Face a Big Loss on Hotel Loans; GOP Insider Denies Political Deal.''

He has achieved a unique and almost mystical aura as a clout-heavy Republican power broker, fundraiser and riverboat gambling captain.

But William Cellini says he doubts he will ever be a hotel developer again.

Cellini is at the center of a controversy involving a proposal by state Treasurer Judy Baar Topinka to settle $40 million owed to taxpayers on two hotel loans for $10 million. He said he and other investors in the Springfield Renaissance never made a dime and will never see any return.

Cellini also maintained that the state has probably recouped the original $120 million lent to developers of the Renaissance, the Collinsville Holiday Inn and 16 other projects because the developers paid 17 percent interest during the construction in the high-interest period of the early 1980s.

''Would I do it again? Never,'' Cellini said in his first public comments on the hotel deal. ''Well, never is a long time. Let's put it this way: I'll never do another one with the government. You're too high-profile, and then everybody comes to these (political) conclusions.'

Not that anyone is suggesting any tag days for the 60-year-old Cellini.

He has parlayed his position during the 1960s as state transportation secretary under Gov. Richard Ogilvie into influential leases and contracts, a role as head of the road-building Illinois Asphalt Pavement Association, and chairmanship of Argosy Gaming Co., which operates the Alton Belle riverboat casino. Cellini's stake in the riverboat is worth more than $20 million.

Yet Cellini disputed the perception that the hotel settlement reached in April with Topinka is a sweetheart deal for himself, the Renaissance's 84 other investors, bipartisan fundraiser Gary Fears and investors in the Collinsville Holiday Inn.

Instead, he said, taxpayers will get about $2 million more than the highest bid offered to former state Treasurer Patrick Quinn when he attempted to shop the two hotel loans last year to other investors.

In addition, Cellini said, investors in the Springfield hotel put $10.1 million of their money into launching the project, along with the state's $15.5 million loan and a $3.1 million federal urban-development grant.

Boy, that is interesting. On that loan for that Springfield Renaissance Hotel, the investors put in $10 billion of their money, the State loaned $15 million of State taxpayers' money, and the Federal Government gave $3.1 million in an urban development grant for that hotel.

''People are saying, 'This hotel was built with all state money. Cellini didn't put in anything, and now he's walking away with the marbles.' That isn't true. We put in almost as much as the state, for sure $10 million in cash. And we will never get it back,'' Cellini said.

The proposed settlement with Topinka has been put on hold pending review by Atty. Gen. Jim Ryan, another Republican. But under the agreement, Cellini and Renaissance investors would pay the state $3.75 million of the $19.8 million they owe.

Meanwhile, the Collinsville Holiday Inn would pay $6.3 million of $20.6 million owed to the state.

Topinka, a Republican who took office in January, has said the loans were a ''bad investment'' for the state. She also said the settlement is the ''best deal'' she could get for taxpayers because the properties' values are depressed.

The loans, first made in 1982 by then-Gov. James Thompson, a Republican, and then-Treasurer Jerome Cosentino, a Democrat, originally carried a 12.25 percent interest rate. But Thompson and Cosentino revised the loans in 1988 to require mortgage payments only when the hotels were profitable. Few payments were made.

That is interesting. The loan was not being fully repaid. Yet in 1998 they revised the loan documents so that mortgage payments only had to be made when the hotel was profitable. And then few payments were made.

Shortly before Thompson and Cosentino left officein 1991, the loans again were restructured to call for 6 percent interest, with all payments first applied to principal on the debt.

Cellini, who is a general partner of the Renaissance and owns 1.01 percent of the stock, said the original loan, the subsequent restructuring and the settlement plan were normal business deals and didn't involve politics.

The projects initially were meant to improve economic development, but they were written down because of market conditions, he said.

The lavish Renaissance, five blocks from the Capitol, pays $100,000 a year to help retire bonds used to build an adjacent city convention center. The hotel has a payroll of $2.8 million and pays $1.3 million a year in taxes, he said.

''It isn't that this was different or it was something that just because of political contact there was this discounting,'' Cellini said. ''There isn't a first-class, full-service hotel that was built in Chicago from '85 to today that is not only not paying their mortgage loans but I bet you some of them aren't paying for their operations.''

Cellini also disputed reports from Topinka's office that personal guarantees he signed on the loan were waived by Thompson and Cosentino. Such a waiver would have helpted Cellini when Argosy appeared before the Illinois Gaming Board seeking a license for the Alton Belle casino.

But aides to Topinka confirmed Friday that when the hotel was opened, Cellini satisfied the terms of a construction loan and was released from his personal guarantee.

Cellini also said that while the hotel had an assessed value of $7 million two years ago, the value of the real estate now is only slightly more than the $3.7 million value of the loan that investors have agreed to pay.

Mr. President, I ask unanimous consent that the Senator from Louisiana be recognized at this time, and that I be rerecognized upon the completion of her remarks and that my rerecognition count as a continuation of my current speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know the Senator from Illinois has been on the floor for quite some time speaking on an issue about which he obviously feels very strongly and about which he is quite knowledgeable and on which he has been going into some detail. Hopefully, it can be worked out, or some accommodations can be made.

I am here, actually, to speak about an issue that is related to this bill but is completely different from what my colleague from Illinois has been speaking about. This is about the underlying bill, the Interior appropriations bill, and about the CARA Coalition, the Conservation Reinvestment Act—which you yourself have been familiar with and were actually very helpful, Mr. President, and were supportive along the way. I thank you for that. I want to say a few words about the Interior appropriations bill and how it falls so short of what many of us were hoping.

I realize this is a process; it is a democratic process. I realize we cannot always get what we want. But I do believe we should always try our very best to get what we believe is not only best for our State but best for our Nation. That is what the CARA Coalition represents, a group of Governors, almost every Governor in the Nation, mayors—almost all of the mayors in the Nation, Democrats and Republicans—over 5,000 environmental and business organizations and recreational organizations throughout this Nation that have been trying to communicate to the White House and to the appropriators, both Democrats and Republicans, and to the President himself, how important it is to try to take this time, this year—not next year but this year—to lay down a real legacy for the environment, something that recognizes the importance of purchasing Federal lands when appropriate but also a legacy that realizes how important it is to give some money, not to Federal agencies but to State governments and to local officials, so Governors and mayors can make plans based on their local and State needs.

I know that you agree with me, Mr. President—actually, many do in this Chamber—that Washington doesn't always know best. The CARA Coalition thinks sometimes Washington has good ideas, but we think sometimes States and Governors and mayors and county commissioners have good ideas. Sometimes parents who run Little League Baseball leagues in their communities have good ideas. We think volunteers in communities have good ideas. But there are a handful of people who think—it is just disturbing to me, and I do not understand it—there are some people here, unfortunately on both sides of the aisle, who think the only decisions that are good come from Washington. So the CARA Coalition wants to say the Interior bill fails—fails to take advantage of the partnerships that are available at the State and at the local level.

In addition, I have to say the Interior bill also fails to take into account the important contributions that are made by the coastal States to this endeavor.

While the amount of money that the Interior bill has come up with is over $1 billion in the first year, a good portion of that money, about half of it, $500 million, actually does not come from the general fund. It comes from offshore oil and gas revenues. The moneys we use in this bill that were outlined earlier to fund the Land and Water Conservation Fund, which was authorized and established over 30 years ago but never funded to its levels, either at the Federal or the State side—that money comes from offshore oil and gas revenues.

Those revenues primarily come from the Gulf of Mexico and from Louisiana, Texas, Mississippi, and to some degree Alabama. The drilling for natural gas, which is an environmentally friendly fuel that helps us reduce the harmful elements in the air, takes place in the Gulf of Mexico, and the revenues generated from those oil and gas wells fund the land and water conservation bill.

Another shortcoming of the Interior bill is that it fails to recognize the contributions that are made by Louisiana, Mississippi, and Texas. It does not provide a fair share of those revenues back to our States. It does not include coastal impact assistance. There is a possibility under the agreement with the chairmen of the committees that some of that can possibly be taken care of in the Commerce-Justice-State bill. We are very hopeful some of that money might become available.

This plan for an environmental legacy, despite the fact that this may be taken care of to a small degree in another bill, in the Interior bill, fails to recognize the contribution made by States that allow offshore oil and gas drilling.

I have held up this plan many times on the floor. This is the ''Coast 2050'' plan from Louisiana. This is a plan that says: ''Without bold action now, a national treasure will be lost forever.'' That treasure is the largest expanse of coastal wetlands in North America. The largest expanse of coastal wetlands in North America is at risk. The CARA Coalition came to Washington to say: We do not want all of the money for Louisiana, Mississippi, and Texas. We do not even want 50 percent of the money. We do not even expect 25 percent of the money. But we think we are in our right to ask for at least 10 percent of the money that is generated from offshore oil and gas revenues to come back to the coastal States, the great coastal areas of our Nation, for restoration.

The coast of Louisiana is home to 2 million Americans, and the other statistics are awesome. The ecosystem contributes nearly 30 percent by weight of the total commercial fisheries harvested in the entire Nation. It provides wintering habitat for over 70 percent of migratory waterfowl for the whole Nation. And 18 percent of U.S. oil production, and 24 percent of gas production come from Louisiana primarily and the Gulf of Mexico. Our port system ranks first in the Nation, and we provide commercial outlets for the transportation of goods into this Nation and out of this Nation.

As a Senator from Louisiana—and I know Senator BREAUX joins me—I thought we could expect some recognition of what the coastal States mean to this Nation and some recognition of a coastal impact assistance piece or coastal stewardship piece, which CARA had in mind and which this Interior bill—although it is recognized, it has moved some of the money over to Commerce—does not recognize in its legacy.

I say for the CARA Coalition that we have always believed the legacy that we are trying to leave is not just about interior States; it is about coastal States. It is not just about Federal spending and decisions made at the Federal level; it is about decisions made at the local level and at the State level.

The underlying bill, while I know it took some work and it took some effort and there have been lots of negotiations at every level, fails in many aspects in terms of what we had hoped for this year. We will continue to hope for it if it is not done in this Congress.

There is still time. It is unlikely that what we are asking for can be done in this bill. The conference is closed. We do not, under the rules, have an opportunity to amend this particular bill, but there are many other bills moving through. There is still action that can be taken on the part of the Democratic and Republican leadership. The President himself could weigh in more strongly and say: Yes, let's take what we can on lands legacy, but let's add in addition to it the CARA legislation.

I will try to explain a few other things about the underlying bill and how it falls very short of where we want to be.

Supporters of the underlying bill claim there is money in this bill for conservation programs, and they are correct. There is even more money than was originally budgeted for conservation programs. The problem is that each of the programs have to compete against each other for limited dollars. Unlike CARA, which had the programs pretty much clearly defined and moneys attached to each program so that Governors, mayors, and program administrators could count on that money, the underlying bill does not allow for that. It allows for competition, for an annual grab-bag approach every year. Let me give an example.

In the first category, which is under the land conservation, preservation, infrastructure improvement trust fund, which is what this bill now calls it—it is not lands legacy, it is not CARA, it is called the land conservation, preservation, infrastructure improvement trust fund. There is $539 million in that fund, but out of that fund, the Federal side of land and water and the State side of land and water have to compete for that $539 million.

We heard the distinguished chairman from Washington say he had over $1 billion in requests. He said he had over 1,000 requests totaling over $1 billion. That is just requests from the Federal side. If there are $1 billion in requests every year for the Federal side of land and water, and we only have in this bill $539 million to fund it, I argue there is not going to be anything left for the State side of land and water. They have been underfunded for 30 years. The Governors have been left holding an empty bag. When the mayors look in the bag, there is no money—promises, promises, but no money. While this trust fund attempts in a way to put this in categories, it fails to deliver the money necessary for the State side and the Federal side.

Let me go into the next category which talks about State and other conservation programs. It talks about the cooperative endangered species fund, which is important; State wildlife grants, which basically, according to the Wildlife Coalition, will never get to the States because it will take 3 years to come up with a plan, and then when the States come up with a plan, it will take so much longer for it to be approved, so this $50 million is not really worth much at this point.

The State wildlife grants, the North American wetlands conservation, science programs, forest legacy, and additional planning inventory and monitoring, all of those funds have to compete in this ''trust fund'' for limited resources.

Instead of being able to count on money every year for the endangered species fund, instead of being able to count on a real State wildlife fund on which local officials can count and on which preservationists and conservationists can count, it is not there. Forest legacy cannot count on it. The chances of funding it are minimal.

I will go to something Members can appreciate because they heard so much from their mayors. The next category is urban and historic preservation.

It includes the program we know as UPARR. It includes a very popular and effective program called Historic Preservation. It includes Urban and Community Forestry and the Youth Conservation Corps.

They are good programs. The problem is, they have to compete for the same pot of money, fighting among themselves. We had hoped, and we thought, it was time—and we still believe it is time, the CARA Coalition—to get the environmental community and the business community and the recreational activists and enthusiasts in this Nation working together. That is what the CARA Coalition represents. Instead of fighting over crumbs, instead of fighting over very limited amounts of money, we were hoping to build, first, on a relatively small amount of money but build together. And as the budget provided, as political opportunities provided, we were willing to come back and wait and be patient and get additional moneys for these programs.

But to force these groups, which have had to live on so little for so long, to have to compete amongst each other every year, year in and year out, I think is far less than what we could have done and what we should have done.

We do not probably have the support to defeat this Interior appropriations bill. I would have to say, there are some very good things in this bill. The appropriators worked very hard. I know it is very tough to try to put together a bill that can meet the approval of over 500 Members—both in the House and in the Senate—representing different parties and different interests.

(Mr. SMITH of New Hampshire assumed the chair.)

Ms. LANDRIEU. I want to just say how much I respect our leader, Senator BYRD, and the work that he and his staff have put in. But I believe it is important—and I feel compelled as the leader of the CARA Coalition in the Senate—to point out that there are real differences. And those differences really matter to environmental groups, to wildlife groups, to coastal impact assistance organizations that are fighting for coastal impact assistance and more acknowledgment of the needs of our coasts. And it matters to parents, to volunteers, and to community organizations.

So I think that we should be truthful and honest—and I am not saying that people have not been truthful and honest, but I do think we have to be very clear that while this trust fund could potentially be a beginning, it is not nearly where we need to be in terms of delivering a real legacy for this Nation, a legacy of which Republicans can be proud, a legacy of which Democrats can be proud, a legacy of which this President can be proud.

So I want to take a few minutes, if I could—and I know we have quite a bit of time and no time limit—so I would like to take a moment to go through this large binder here to talk about our coalition because there is still time remaining in this session. We do not know whether we are going to be in for this week, whether we may be here for another 2 weeks, or another 3 weeks. There are still many serious negotiations going on between the House and the Senate, between congressional appropriators and the White House, on a variety of issues that are important to our Nation.

Some of those issues have to do with health care; some of them have to do with education; some of them have to do with transportation. So we have time.

I have come to the floor to try to explain, in my remarks, the differences between what the Interior bill has laid down and for what the CARA Coalition was hopeful.

I also want to point out and add to the RECORD this extraordinary coalition that has been supporting this legislation, and to ask them to use the time remaining to call the leadership, Senator LOTT, Senator DASCHLE, and the President himself, and say thank you for the work that we have done. But let's not miss this opportunity to do better. Let's not miss this opportunity to do better this year, and to

hopefully build in the years to come on what the Conservation and Reinvestment Act really envisions for our Nation.

Since I am a Senator from Louisiana, I want to thank this extraordinary list of supporters from Louisiana who are registered here in this book. This book is actually a book of all the States. There are 5,000 organizations—an unprecedented coalition, of, as I said, Governors, mayors, county officials, conservation and wildlife organizations, sportsmen's groups, parks and recreation advocates, business and industry groups, historic preservationists, and soccer and youth sports organizations that have called on us to act.

I want them to know that I have heard their message. I want them to know that 63 Senators have heard their message. I want them to know that Chairman MURKOWSKI and the ranking member, Senator BINGAMAN, have heard their message. We want to work with them in the remaining weeks of this session, and for as long into the future as it takes to actually get an environmental legacy for this country of which we can all be proud.

Let me just say, in this book is a letter to each of the Senators, signed by anywhere from 50 to literally hundreds of organizations in their States, urging them to adopt CARA, the Conservation and Reinvestment Act, the principles outlined in CARA.

I thank, particularly, from my State of Louisiana, for his extraordinary leadership, our Secretary of Natural Resources, Jack Caldwell, who works for a Republican Governor, Gov. Mike Foster. In our State this has truly been a bipartisan effort.

I thank our Louisiana Wildlife Federation; the Coalition to Restore Coastal Louisiana, which produced this extraordinary document, for their work and help and advice through this process.

I thank our Lieutenant Governor, who is a colleague of mine, and a good friend, Kathleen Blanco, and her Office of State Parks.

I particularly thank the Louisiana Chapter of the Sierra Club that spoke out early in support of this effort.

I thank the Louisiana Legislature that was the first legislative body in the Nation to adopt a resolution in favor of the Conservation Reinvestment Act. And many State legislatures around our Nation have followed that show of support.

Almost every elected official in our State—particularly, I want to single out Mayor Marc Morial, the mayor of New Orleans, who will be leading the U.S. Conference of Mayors next year as chairman and a leading member of that organization, for his outstanding advocacy for UPARR and for other portions of the CARA legislation.

I thank Jefferson Parish President Tim Coulon, who is a Republican. Again, our partnership has been quite bipartisan in Louisiana. I thank him.

We have led this effort, but we have been joined by many States in the Union, by many officials from all parts of this Nation.

Just for the record, I want to read a few of the groups from the State of Mississippi that have been extraordinary and helpful in this—and to thank Senator TRENT LOTT for his support—and to continue to encourage him and our leader, Senator DASCHLE, to find whatever avenues are necessary to build on the good work that has been done this year in this regard. There are actually pages and pages of supporters from Mississippi.

I will only read out the very top few, but there are literally—it looks to be over 200 supporters from Mississippi, the first being Mississippi Heritage Trust, Mississippi Department of Wildlife Fisheries and Parks, Mississippi Wildlife Federation, the Chapter of Wildlife Society, the Chapter of American Planning Association, the School of Architecture for Mississippi State—and I could go on through this—the city of Hattiesburg, the city of Laurel, the Keep Jackson Beautiful Coalition, literally hundreds of organizations in Mississippi.

For the RECORD, I will recite some of the organizations from South Dakota because the leader has been on our side. Both Senator DASCHLE and Senator TIM JOHNSON were so helpful in this effort. We also have pages and pages of organizations: Governor Bill Janklow, the South Dakota Department of Game, Fish and Parks, the South Dakota Parks and Recreation Association, the South Dakota Conservation Officers Association, Beadle County Master Gardeners, the Beadle County Sportsmen's Club, the Optimist Club of Huron. Throughout their entire State, from mayors to elected officials to conservation organizations, they have let their voice be heard. I want the South Dakota supporters to know that their leader has heard them, has been supportive, and has been very helpful.

I also thank our House colleagues: Chairman YOUNG from Alaska; the ranking member, GEORGE MILLER of California; JOHN DINGELL of Michigan, who has been an outstanding advocate for CARA; from my State particularly, BILLY TAUZIN, who represents south Louisiana and is an excellent supporter of CARA; and CHRIS JOHN, who has been very helpful, a member of the committee in the House. We have had a coalition of Senators and House Members, of elected officials around the Nation.

Since the session is not over yet, our fight is not over. We recognize that we can't have everything we have asked for, but we recognize that we would never get anywhere if we didn't ask. If we had not put this effort forward, we might never get to a real trust fund for the environment for our Nation. I think the effort has been worth pursuing and the effort is still worth pursuing.

I am not going to ask my colleagues to vote against this bill. Some of them may do that for their own reasons. Senator FITZGERALD and others who don't think there are enough property rights protections may, for their own purposes, want to do that. I probably will cast a vote against the Interior bill because it falls short of what we want.

But this is a democratic process. We believe what we are fighting for is in the right direction. We believe the CARA Coalition represents truly a bipartisan effort that can gather the support of not only Federal officials but State officials. And we believe that this is, in fact, a beginning. There is still time left to build on it. I am hoping leaders from other committees of the Senate can potentially give some support, as they have been from the beginning, and help as we try to put our best foot forward and move ahead on this legislation.

I will go over some of the other numbers in which some of my colleagues may be interested on this particular bill. As I said earlier, the basis of CARA was to give guaranteed funding in certain categories for environmental programs. Although this trust fund lays down broad categories, they are not specific enough so that people can actually depend on them and States can depend on them.

For instance, under the land acquisition part of this bill, let's say for Arizona, in this conference committee report there are about $15 million for land acquisition. Under the CARA proposal, as compromised between the House and Senate, Arizona would have received and could have counted on approximately $47 million each year.

Arkansas—and Senator LINCOLN has been an outstanding supporter of CARA—under the land portion of this bill actually gets zero money. This is legislation for billions of dollars that are earmarked for other places, but under this trust fund concept, Arkansas gets actually zero. Under CARA, they would have a guarantee of $14.9 million.

Colorado in this bill has $5.3 million. Under CARA, they would have $46 million each year for the State PILT, for payment in lieu of taxes, for land acquisition at the State level, not directed by Federal agencies but at the State level. They would have had money for historic preservation and for urban parks for cities such as Denver and others in Colorado.

Connecticut has $1.6 million approximately. They would have had $17 million of guaranteed funding.

Delaware has $1.3 million; under CARA, $14 million.

Georgia, which, according to our records, has about $650,000 for land acquisition projects, would have had $32 million under the Conservation and Reinvestment Act.

Hawaii, which has $2 million in this bill, would have counted on about $29 million a year.

Idaho, which has about $7.5 million, would have gotten $39 million a year, primarily in PILT payments, some on the State side of land and water, and some in other areas.

Illinois, which is a large State, a very important State in our Nation, and one of the most populated States, under this trust fund has zero money allocated for this year but would have had $38 million every year under CARA.

Indiana has $3.8 million, as opposed to our proposal for $25 million.

As I read through some of these numbers—I would like to read through them all for all the States—let me say that the underlying bill on the trust fund has approximately the same amount of money the CARA Coalition desired.

Our coalition wants to be respectful and appreciative of budget constraints. We recognize there are a great many needs in this Nation, from support for teachers and schools to support for health care, to the lockbox for Social Security and Medicare. We have examined the state of the budget. But we believe we could have spent and still believe that half of 1 percent of the surplus for an environmental trust fund that we could count on year in and year out was not too much to ask for. In fact, the appropriators have basically agreed with that concept because that is the amount of money they have actually put in this bill.

The problem is, the framework they put in forces organizations to compete year in and year out, not being able to depend on money. It well underfunds PILT, payment in lieu of taxes, which is so important to our Western States. The underlying bill gives all of the money, or 85 percent of it or more, to Federal agencies and shortchanges our Governors and our mayors and our local elected officials. And it does not fund, as clearly as it should, some of the other important programs we have outlined as authorizers in our compromise between the House and the Senate.

(Mr. GREGG assumed the chair.)

Mr. REID. Would the Senator yield for a question?

Ms. LANDRIEU. Yes, if I may retain the floor.

Mr. REID. I ask my friend, we have Senator DORGAN, Senator CRAIG, and others wishing to speak. No one wants to take away the time the Senator deserves on this issue. Can she give us an idea of how much time she is going to take?

Ms. LANDRIEU. I will take probably another 10 minutes, and then I will yield back my time, if I am able to, to Senator FITZGERALD, who continues to want time on the floor. We can check with Senator FITZGERALD.

Mr. President, I will continue to read some of this into the RECORD.

Iowa, for instance, is the only State of the Union to date that has not received any money from the Land and Water Conservation Fund in 30 years, as the records will reflect. This year, Iowa has $600,000. Under CARA, we could have made a commitment of approximately $11 million per year.

Kansas—and Senator ROBERTS has been a terrific supporter of CARA, and I am appreciative of his support, particularly for the wildlife portion of our bill—gets zero in the trust fund for this year. Kansas would have gotten about $11.9 million under CARA.

Kentucky, $2.5 million; $15 million under CARA.

Maine, $1 million under this bill for this year; $31.9 million would have been directed to Maine under the CARA proposal.

Maryland, which sits on the shores of the great Chesapeake Bay—an area that deserves, in my opinion, a great deal more attention, and the local officials in the various States around the Chesapeake have done a wonderful job, and there has been much help from the Federal level, but we can still do more to protect that important ecosystem in our Nation—Maryland gets $1.2 million. Under CARA, they would have gotten $28 million a year.

Massachusetts, about $1.5 million; under CARA, $35 million.

Michigan, $1.1 million; under CARA, $42 million.

Minnesota, $2.8 million; under CARA, $29 million.

Missouri, $3.5 million; under CARA, $26.2 million.

Montana, $6.5 million; under CARA, $47.8 million.

Nebraska—and Senator KERREY has been a wonderful supporter and very helpful in terms of arguing that States and local governments should have a say as we divide this money annually and should be able to count on something and not have to wait until October, which costs the taxpayers more and which is difficult at the State level. Nebraska has a grand total of $400,000 for the Land and Water Conservation Fund. Under CARA, they would have gotten about $14.5 million.

Nevada, which is the State of my good colleague, Senator REID, got $2 million. CARA would have brought them $37 million. A lot of that money would have been for PILT payments because the Senator represents a State where the Federal Government owns 92 percent of the land.

So it is our obligation to provide money for those local units in Nevada which lose revenues when the Federal Government takes over land from the private sector. They would have benefited from the formula that would have acknowledged that and tried to, in some ways, make them whole by improving their PILT payments. They would get $38 million under CARA; instead, they get $2 million.

New Hampshire, a small State but a very important State, under this bill gets $3.6 million; under CARA, the total it would have received is $17 million.

New Jersey, the Garden State, with a Republican Governor whom I admire a good deal, Governor Whitman, just passed—and I am sure with Democratic help—a bond issue to provide over a billion dollars for Saving Open Spaces in New Jersey. They are one of the most populated States and are trying to preserve the farmland they have left and the green spaces. That is very important to many people along the east coast, the west coast, the interior, and the coastal communities. They passed a billion dollar, multiyear effort. I believe, and the CARA coalition believes, we should try to match that effort. Instead, under this bill, we have given New Jersey $2 million. CARA would have provided them a $40 million partnership every year.

New Mexico—and Senator BINGAMAN has been an outspoken advocate and a ranking member on our side—gets $4.7 million. It would be $44.9 million under CARA.

I know my time is going to be running short. In a moment, I will be prepared to yield my time back to Senator FITZGERALD, who had the floor. I was taking some time from him. I say to our floor leader, I will yield back some time to Senator FITZGERALD.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FITZGERALD. Yes, for a question.

Mr. REID. I just have a parliamentary inquiry. The Senator would not lose the floor. I have a question to ask the Chair.

Is the parliamentary situation that the Senator from Illinois has the floor?

The PRESIDING OFFICER. That is correct.

The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I am going to continue speaking about this $120 million proposed Abraham Lincoln Library in Illinois. I realize my colleague from Idaho wishes to be recognized. What I am going to ask is unanimous consent that the Senator from Idaho be recognized for 10 minutes at this time and that I then be rerecognized.

Mr. REID. Mr. President, reserving the right to object, the reason I say that is, there is a unanimous consent

agreement already in effect, and the Senator from North Dakota wishes to speak as well. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois has the floor.

Mr. FITZGERALD. Continuing on, Mr. President, to bring the Senate back up to date, we are talking about a proposed Abraham Lincoln Library in downtown Springfield, IL, that would cost approximately $120 million.

The library would be one of the most expensive buildings in the city of Springfield. The estimated value of the State capitol in Springfield is, I believe, $78 million, in inflation-adjusted dollars. This library would be approximately half the size of the State capitol, but it is a substantial building. It is also going to be very close to the Renaissance Springfield Hotel, which we have been examining in detail this afternoon.

The reason I am concerned or have an objection to the conference committee report now before the Senate is that the conference committee report authorizes $50 million in Federal funding for the Abraham Lincoln site but does not carry the requirement that passed out of the Senate that the project be competitively bid in accordance with Federal law. Instead, it would appear the money that is authorized in the conference committee report—instead of having a competitive bid requirement, it says that the $50 million is authorized to go to an entity that will be selected later which would design and construct the library.

The language does not make clear that the entity would be a governmental entity. It is possible, based on reading the conference report, that the $50 million could be channeled to private sources. Presumably, that would not happen however. Presumably, the money would be given to the State of Illinois.

We have reviewed what would happen if the money were given to the State of Illinois, how the State of Illinois would award construction contracts. Presumably, the State of Illinois would turn the project over to its Capital Development Board. We reviewed and examined earlier today a giant loophole in the Capital Development Board—the statute on procurement that governs the Capital Development Board. They have a right to opt out of competitive bidding. Apparently, in the statute, they can just decide they are not going to have competitive sealed bids on the project.

That loophole gives me pause for the reason that I thought we ought to have a tighter set of restrictions. I proposed an amendment that would require that the Federal competitive bid guidelines be attached to the project. I think that would take care of the problem. We are examining in detail the concerns I have and some of the red flags that have occurred to me with this project.

I spent 6 years in the Illinois State Senate in Springfield. I have a pretty good idea of how State government operates. I am familiar with many of the people who are involved with this project. After taking a very close look at the project, it originally started out as a $40 million project, then went to a $60 million project. At one time they were talking about a $140-something million project; now it is back down to a $115 million or a $120 million project. They are seeking $50 million from the State of Illinois, $50 million from the Federal Government, and $10 million in essentially tax breaks from the city of Springfield, and possibly the contribution of some land.

They are, in addition, creating a not-for-profit corporation that was filed with the office of the Illinois secretary of state in June of this year. They have recently made, are making, or have made—it is not clear which—a request to become registered as an official charity. They could solicit and retain contributions for the Lincoln Library Foundation. They have set an ambitious goal for the foundation of raising somewhere in the neighborhood of $50 or $55 million.

I received from published reports that the foundation's board of directors appear to be Mrs. Julie Cellini, who is the head of the Illinois Historic Preservation Agency, and Mrs. Laura Ryan, the first lady of the State of Illinois.

Mr. REID. Mr. President, will my friend from Illinois yield for a question without losing his right to the floor?

Mr. FITZGERALD. I yield for a question.

Mr. REID. The Senator from Illinois has the floor. The Senator from North Dakota, under a unanimous consent agreement, has a right to speak when the Senator finishes. The Senator from Idaho wishes to speak for 10 minutes. I am wondering if the Senator from Illinois would agree that Senator CRAIG could speak now for 10 minutes, with the Senator from Illinois retaining his right to the floor, and at such time as Senator DORGAN comes to the floor we allow him to speak for up to 20 minutes.

Mr. FITZGERALD. I would go along with that as long as I could be recognized upon the completion of the remarks of the Senator from Idaho and upon the completion of the remarks of Senator DORGAN, and that my recognition would count as a continuation of the speech I am now delivering on the Senate floor.

Mr. REID. That was the intent of the unanimous consent request.

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

Mr. REID. As I understand it, the Senator from Idaho is now going to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank both Senators and the Senator from Illinois for yielding. It certainly was his prerogative not to yield because he controls the time, and I appreciate that, and the Senator from Nevada for accommodating me and working out the differences.

Mr. CRAIG. Mr. President, I had hoped that I would be able to respond in part while the Senator from Louisiana was on the floor speaking about her concerns about the CARA legislation. She certainly has made every effort to move that legislation, which is important to her State.

Both the Senator from Louisiana and I serve on the Energy and Natural Resources Committee on which that legislation was formed. She has always been courteous. We have worked closely together on the issue.

I could not and do not support CARA as it is currently crafted and as it was voted out of the Energy and Natural Resources Committee. I said very early on to the citizens of my State and to my colleagues on that committee that I would strongly oppose any bill that created a Federal entitlement that allowed the Federal Government to own more of the State of Idaho. The Federal Government already owns nearly 64 percent of my State. And this year you watched Federal forests in my State burn, with tremendous fire and heat, causing the destruction of the environment and resources. My State forests did not burn. The private forests in Idaho did not burn because they were managed. They were thinned. They are healthy, growing, dynamic forests that provide marvelous habitat and quality water to our streams, to our fisheries, and to the life-style of my beautiful State.

Two weeks ago, I was in a helicopter flying over the nearly 1.2 million acres of charred national forests in my State—charred almost to a point of nonrecognition. It will take a decade or more for the natural environment to begin to return. That could have been avoided to some degree, if the Forest Service and its management had not become an agency of benign neglect, which had simply turned its back on these living environments, and had helped Mother Nature to improve them in a way that they would not have burned in such a catastrophic fashion.

The reason I say that is because many want the Federal Government to own more land. Somehow the Federal Government's ownership has in some people's minds become synonymous with quality environment. That is simply not true today.

Nearly 40 million acres of national forest land are in a dead or dying condition—bug-infested, overpopulated with trees, and as a result drought stricken, with the health of the trees declining and the health of the forests faltering.

Is that a way to manage lands? No, it isn't. The Senator from Louisiana knows that. She knows my strong opposition to additional ownership of Federal property in my State. She worked with me. She worked with me very closely to try to change that equation, and we simply could not get that done.

That is why we did something different in this Interior appropriations bill. It is not CARA and it is not land legacy, but it does recognize the importance of spending money for certain resource values, for certain wildlife habitat values, for certain coastal needs of the kind the Senator from Louisiana has for the general well-being of the environment with moneys coming from offshore oil royalties, many of them generated in the gulf south of her State and out into the ocean beyond Louisiana. On that, she and I do not disagree. But I will continue to be a strong opponent of an attitude or a philosophy and an effort to fund an attitude and a philosophy that somehow if the Federal Government owns the land, it is going to be better protected. In my State of Idaho, because nearly 64 percent is owned by the Federal Government, they also dictate the economy of my State.

Today we had a hearing in the Small Business Committee about the impact of forest policies on all of the small communities of my State. I chair the Forestry Subcommittee of this Senate. We have held over 100 hearings since 1996 examining the character of decision-making in the U.S. Forest Service and that they ignore small business today, and they turn their back on small communities that adjoin those forests.

Is it any wonder why nearly all of those small communities in Idaho and across the Nation today associated with public forests have 14 and 15 percent unemployment while the rest of our country flourishes because of the high-tech economy? No. It is quite obvious that is what is happening because this Government and this administration have locked the door on the U.S. forested land and turned their back and walked away. With that, thousands of jobs and 45,000 schoolchildren in rural schools across the Nation are deprived of the money that would have come to them by an active management plan of the U.S. Forest Service because of long-term policies that allowed counties and school districts to share in those revenues.

I can't stand here as someone representing the State of Idaho and say: Give the Federal Government more money to buy more land in the State of Idaho to make it Federal. I can't do that in good conscience, and I won't.

I am joined with my western colleagues to tell the Senator from Louisiana, somehow it has to be done differently. I am not going to suggest what we do in this bill is answer the problems or concerns of the Senator from Louisiana. I think it probably isn't.

But I will say it is no longer an entitlement. It is not automatic for 15 years. We do not give this administration or any future administration half a billion worth of cash a year to go out and buy more and more land to turn into forest fires or dying habitat for wildlife because they won't actively manage it and care for it.

There is a lot of money in here to help our national parks. There is money for urban parks. There is money for coastal acquisitions. There is a great deal of money—$1.8 billion, nearly $2 billion worth. A chart shows it ratchets it up over the next number of years to nearly $2.4 billion. It is not as originally envisioned by the CARA Coalition, but it is a great deal of what they asked for.

Ms. LANDRIEU. Will the Senator yield for clarification?

Mr. CRAIG. I have very limited time. I apologize.

I am not in any way—how do I say this—taking offense at what the Senator from Louisiana has said. We have worked very closely on this issue. She and I held fundamental disagreement on one portion of the bill. I made an effort to change that. I made an effort to have no net gain of Federal lands in the States. Willing seller, willing buyer—all of those kinds of things we worked to get. We couldn't get them.

So I have fought, as other colleagues have fought, not to allow CARA to come to the floor this year for a vote.

Let me talk more about something else before my time is up. I mentioned that nearly 1.2 million acres of Federal land burned in my State this year, beautiful forested land that was in trouble environmentally, and when Mother Nature came along and struck with her violence, it all went up in smoke.

There is a lot of money in this bill to begin to deal with those problems, a great deal of money in this bill to pay off the fire expenditures that are natural to do so. A lot of this money is to pay back the expenses that were incurred this year, the millions and millions of dollars spent each day for nearly 60 days across this country during the peak of the fire season when the skies of Idaho were gray to black, as it was true in other States across this Nation. There is a lot of money in this bill for that purpose.

There is also additional money in this bill, new language, and new policy, on which Senator DOMENICI of New Mexico and I worked with a lot of others, to try to create an active management scheme that will allow in areas where there are now urban dwellers—we call it the urban wildland interface—which I will come back to.

I thank my colleague from Illinois for yielding. This is an important bill. We have addressed a lot of the problems. I hope my colleagues will join in supporting the passage of the Interior appropriations conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, reviewing again the proposed Abraham Lincoln Library in Springfield, IL, I emphasize the magnitude of the project. It is a proposed $120 million project. It started as a $40 million project, went up to $60 million, and now it is at $120 million. At one time, it was up to $140 million.

Reviewing the cost of other important buildings in the city of Springfield, the estimated cost, adjusted for inflation:

The State capitol building built in 1868 to 1888, $70 million.

The Willard Ice Building, I believe for the State Department of Revenue, a very large State office building built in 1981 to 1984, took 3 years to construct, $70 million;

The Prairie Capitol Convention Center, a large convention center, built in 1975 to 1979, $60 million.

This Abraham Lincoln Library will be one of the largest, most important buildings in the city of Springfield. I am supporting the project. However, I want the city of Springfield to get a $120 million library out of the project, not a $50 million library that just happens to cost $120 million.

It is for that reason I have tried, and the Senate has tried, to insist that the project be competitively bid. The Senate has gone on record with the legislation that cleared the full Senate last night, unanimously requiring, with our authorization of $50 million for this project, that the Federal rules of competitive bidding, which are set forth in this volume and are very extensive, very well thought out, were worked on by then-Senator Bill Cohen from Maine, now the Secretary of Defense—a lot of thought has gone into these rules. A lot of refinements have been made over many years. They have had to correct problems, and they have gone back to them repeatedly.

It has been a great focus of many Senators and Congresspeople in Washington. The intent of the Federal rules is to try to eliminate political favoritism in the awarding of construction contracts. The House has now in the conference committee, with provisions they have inserted into the conference committee, the same authorization that the Senate has backed. However, they struck the language requiring that Federal competitive bidding guidelines be followed.

The money is supposed to go to an entity that will be selected later. It is not clear exactly to whom the $50 million taxpayer money will go. It is interesting that Washington passes legislation sending out the money without

saying to whom it is going; that is what this provision does. One would think we would be more careful with the taxpayer money and we would know—at least for sure it would be nailed down in law—who was getting the money. Presumably the money would wind up in the hands of the State of Illinois, and if it wound up in the State of Illinois, they would probably give it to their Illinois Capital Development Board for the Illinois Capital Development Board to construct the project in accordance with the Illinois procurement code.

Reviewing for the Senators who have just arrived, the Illinois procurement code was at one time one of the weakest, perhaps, in the country. It was strengthened a few years ago, in late 1997. I think changes were made for the better. I supported legislation—I believe it was H.R. 1633—that strengthened those guidelines. When we started to look and study in a more detailed manner how the Federal money would go, and considered what would happen if it went to the State Capital Development Board, we looked carefully at the State's procurement code and a couple of glitches popped out at us.

I want to review those glitches. The State's position on this is that if the money goes to the Capital Development Board and they build the library, they have to, under their law, use competitive bidding. It turns out, however, that contrary to the Capital Development Board's assertions, in fact, a contradiction appears in the statute governing the Capital Development Board. The portion of the procurement code that governs the Capital Board is 30.I.L.C.S.5500/30-a. It says:

Other methods. The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.

That is a great big loophole in the Capital Development Board procurement code. Thus, there is the possibility that if we give this money to the State and do not attach the Federal competitive bidding guidelines, the State could simply opt out of competitively bidding the project.

That troubled me greatly, given the magnitude of the project and given a long history in Illinois of what I would say is a fairly acute problem with procurement contracts—in construction and in leasing, particularly. It occurred to me that we needed tighter safeguards.

There is another general problem I addressed earlier with the State procurement code, and that is in advance of bidding, even when they do opt to competitively bid, they don't have to tell the bidders what weight and relative importance they are going to attach to the various criteria they must set forth. The State must tell the bidders by what criteria they are going to judge the bids and make awards, but they are not going to tell you what weight they assign to the various criteria.

The problem with that is that it is like trying to pin keylime pie to the wall. You can come in with the low bid and the State can say we gave more weight, actually, to the experience of this other bid. It costs a little bit more, but we give more weight to their experience, or vice versa; they could almost always rationalize the acceptance of any bid after the fact and make it very hard to challenge a decision by the State to not accept your bid. Of course, in contrast, the Federal code in that regard is markedly superior. It does a much better job at limiting the discretion of the procurement officers and it does that by requiring that sealed bid solicitations disclose in advance all significant bid evaluation factors and the relative importance of each factor and whether nonprice factors, when combined, will be accorded more, equal, or less weight than price.

Of course, the State rules, which do not require the relative importance for weight of the factors to be disclosed, would allow a purchasing officer to pick any bid he wants and explain his decision by saying the one factor for which that bid was better was the most important factor, and any decision could be rationalized after the fact. It would be very hard to challenge any award the State made.

Perhaps that could be why, after there have been so many articles and investigative reports written about seemingly, on their face, exorbitant rents or prices on projects, that you don't actually have much of a challenge or any history of prosecutions on that. So I feel the State code really is deficient in those two key respects. I feel the Senate did the right thing by attaching a requirement that the Federal competitive bidding guidelines attach to the project. There is greater protection for the taxpayers if we do that.

We have reviewed the history of projects in Springfield. We talked about a State loan given to a partnership that constructed the Springfield Renaissance Hotel. That hotel is located close to where the Abraham Lincoln Library is proposed to be. We talked about some of the problems that have arisen from time to time in the State of Illinois. My goal here is to try to tighten the law so we are not setting the table for another problem to occur with this project, which is, after all, being built as a monument to ''Honest Abe'' Lincoln, perhaps the greatest President in history. We want to make sure the taxpayers get the value of all the resources they are contributing.

We have reviewed how the State previously gave out loans to build the hotels. Those loans were never fully repaid. I believe there is still a substantial outstanding balance. We have, thus, in that manner, begun laying before the Senate the context in which my deep concern arises by the loose authorizing language in the conference committee report before the Senate.

Now, we read the article ''Taxpayers Stuck With $30 Million Hotel Tab.'' I want to turn to an article that appeared in the Chicago Sun Times on October 6, 1996. It is an article by Tim Novak, Chuck Neubauer, and Dave McKinney. If I may read this article, the headline is:

Cellini State Capitol's Quiet Captain of Clout; Dealmaker Built Empire Working in Background.

Outside the state Capitol, William Cellini is just another businessman.

Inside, Cellini is one of the most powerful people in state government, a man who has built a personal empire worth at least $50 million through his ties to the governor's office dating back to 1968.

This 62-year-old son of a Springfield policeman is perhaps the most feared, respected and invisible man in those halls of power.

He's played the system brilliantly—and legally.

Cellini has never run for state office, but he's helped run state offices—reviewing choices for the governor's Cabinet, getting scores of people state jobs and at one time even approving all federal appointments in Illinois.

His unique access has put him in position for a staggering succession of state-financed deals.

He is an owner of the state's first riverboat casino. He got state money to build a money-losing luxury hotel where he throws fundraisers for Gov. Edgar. He got state funds to build 1,791 apartments in Chicago, the suburbs and Downstate. He manages offices that he developed for state agencies. He invests pension funds for state teachers. And that is just part of his empire.

But most of all Cellini has had clout with Illinois governors starting with Richard Ogilvie through James Thompson and now Edgar.

Keep in mind, this is an article from 1996. George Ryan is the current Governor of Illinois. Reading again from the article:

And those relationships have been mutually profitable: the Governors got cash for their campaigns and Cellini became a multimillionaire.

''I can't recall someone similar to Bill Cellini having that access. And for that long as well,'' said Donald Totten, the Schaumburg Township Republican committeeman who was President Reagan's Midwest coordinator.

''He seems to always have the ears of governors, which are always the most powerful people in government,'' Totten said. ''Thompson-Cellini, Ogilvie-Cellini. Edgar's got his sister on in a major job, so he has influence there.''

Cellini's sister Janis is Edgar's patronage director, in charge of hiring people for the highest level jobs. Both Cellinis accompanied Edgar on a two-week trade mission to Asia last month.

Cellini has clout. But money is the foundation of his far-reaching empire. Specifically, his ability to raise cash—primarily from road builders—while rarely giving any of his

own money. Cellini raises hundreds of thousands of dollars, mainly for those Republicans, primarily candidates for governor, but also for those seeking the White House like Gerald Ford, Ronald Reagan, George Bush and Bob Dole.

Throughout it all, Cellini has been granted extraordinary powers, clout that elected officials usually reserve for themselves.

When Edgar took office, Cellini interviewed candidates for the Cabinet and made recommendations—particularly for state departments that do business with Cellini's companies.

''The reason he's involved in Cabinet selections is Bill Cellini has seen more Cabinet members come and go. He has good instincts about what it takes to be a good Cabinet member,'' said state Sen. Kirk Dillard (R–Hinsdale), who spent three years as Edgar's first chief of staff.

Cellini has also spent nearly 30 years helping scores of people get jobs in state agencies, creating what some call a patronage army more loyal to Cellini than any governor.

''He probably knows more people in state government that I do,'' Thompson told the Sun-Times in 1990 as he was winding down his 14 years as governor.

Cellini's clout has gone all the way to the White House based on letters and memos from the Gerald R. Ford Library. Under President Ford, Cellini was in charge of all federal appointments in Illinois, according to a letter from Don ''Doc'' Adams, a longtime Cellini friend who was chairman of the Illinois Republican Party when Ford was president.

''As you know Bill Cellini is the man we've designated to coordinate Federal and State appointments for the state of Illinois,'' Adams wrote in 1976 to Ford's personnel director, Douglas Bennett.

''If Doc Adams is telling the White House that Bill Cellini is the guy to go to in Illinois . . . Bill is operating as a political boss without having to be an elected official,'' said a longtime Republican who requested anonymity.

It's hard to find people, Republican or Democrat, willing to talk about Cellini and Cellini adds to the intrigue by shunning the spotlight.

Cellini ignored numerous requests from the Chicago Sun-Times to discuss his empire and power. Over the past few years, Cellini has placed many of his financial holdings in trusts to benefit his son, William Jr., 27, and daughter, Claudia, 22.

Keep in mind this article is from 1996.

Often referred to as a Downstate Republican powerbroker, Cellini has numerous business deals in Chicago and the suburbs, often working with businessmen allied with Democrats such as Mayor Daley.

Cellini spends so much time in Chicago that he bought a $594,000 condo on Michigan Avenue in 1993 without a mortgage. He also has a $325,000 home without a mortgage in an elite Springfield neighborhood. It's a long way from the Springfield duplex he and his wife, Julie, shared when he went to work for Ogilvie in 1969.

''There's no doubt he's probably done pretty well,'' Edgar said. ''But there are a lot of people who have made money off state government who have never been involved in politics . . . who have never worked a precinct or helped a candidate.

''I think there's a lot of folks who are envious of Bill Cellini.''

THE OGILVIE YEARS

''When I met Bill Cellini he was a local politician. That was it,'' said John Henry Altorfer, a Peoria businessman who hired Cellini to manage his campaign for governor in 1968.

Cellini (pronounced, Suh-LEE-nee), a former high school physics teacher, was in his early 30s and building a reputation as a Downstate power while serving his second term on Springfield's City Council. Altorfer said he thought Cellini could deliver Downstate votes and help him win the Republican nomination for governor in a four-way race that included Cook County Board President Richard Ogilvie.

Cellini ''was very energetic and had a lot of ideas,'' said Altorfer, who now lives in Arizona. ''He worked very hard for me until I lost.''

Altorfer beat Ogilvie in the Downstate counties, but Ogilvie carried Cook County and won the primary. Ogilvie brought Cellini along to garner Downstate support, a move that has left Altorfer with lingering suspicions.

''Some of my friends came to me and said, 'Do you think Bill was secretly working for Ogilvie?' '' Altorfer said. ''Ogilvie had inside information about my campaign and I wasn't sure where it came from.

''The only person who worked for me who received anything was Bill Cellini,'' Altorfer said. ''I have to believe he was being repaid. I thought he had loyalties to two people, me and Ogilvie.''

Altorfer ''didn't lose because of Cellini,'' said Thomas Drennan, a political advisor to Ogilvie. ''Cellini beat our brains out'' in the primary.

''He was just an excellent organizer,'' Drennan said. ''He was like a good precinct captain, but countywide.''

Ogilvie was elected governor and he picked Cellini to become the state's public works director, overseeing construction of the interstate highway system that had started in the 1950s.

Cellini, who was 34, had experience with road construction, having served as Springfield's streets commissioner while on the City Council and as a member of the Roads and Bridges Committee when he was on the Sangamon County Board.

Cellini rose quickly under Ogilvie. Cellini headed a task force that created the Illinois Department of Transportation and he became the first director, overseeing a $1.6 billion budget and 10,000 employees. His $40,000 salary was second only to Ogilvie's.

Cellini was also chosen to head other committees. One pushed for extending the rapid transit line to O'Hare Airport. Another pushed for building the Deep Tunnel, the ongoing public works project to relieve flooding in Cook County.

''He expanded his influence when he was secretary of transportation,'' said Totten, who was a transportation deputy under Cellini. ''He was a very powerful, behind-the-scenes politician in Springfield. And he still is.''

Road construction boomed under Cellini and Ogilvie, but so did allegations of collusion among road builders seeking to cash in on the work. A handful of road builders were convicted in the federal probe and temporarily suspended from getting any more federally funded highway projects.

The probe included accusations that Cellini's top deputies used IDOT helicopters to swoop down on construction sites to pick up campaign donations for Ogilvie. No state officials were ever charged in the probe that continued after Ogilvie lost his re-election bid in 1972 to Dan Walker, the Democrat who defied Mayor Daley's machine to become governor.

Mr. DORGAN. Mr. President, I wonder if the Senator from Illinois will yield at this point.

Mr. FITZGERALD. I will yield for a question.

Mr. DORGAN. Mr. President, my understanding from the colloquy with the Senator from Nevada is that the Senator from Illinois indicated he would yield to me for 20 minutes without him losing the continuity of his presentation and with the stipulation he be recognized upon the completion of my remarks.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senator from North Dakota now be recognized for 20 minutes and that I be rerecognized upon the completion of his remarks and that my rerecognition count as a further continuation of the speech I began earlier today.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to say a few words about the Interior conference report which is before the Senate, but first I want to make some brief comments on a bill called CARA, the Conversation and Reinvestment Act.

My colleague from the State of Louisiana and other colleagues from the State of Florida and many other areas of the country feel, as I do, that it is very important for us to try to finish this important bill before we finish our work this year.

CARA is a bill dealing with conservation, preservation, and reinvestment in our natural resources, wildlife, parks, and public lands. We struggled to bring that out of the Energy Committee under the leadership of Senator MURKOWSKI. My hope is, before this Congress adjourns, we will have the opportunity to pass it through the Senate and find a way to have the House of Representatives work with us to accept it so it can become law. It is a very important piece of legislation.

Mr. President, let me say a kind word about my colleague from the State of Washington, Senator GORTON, and also my colleague from West Virginia, Senator BYRD.

I come to the floor to talk about this conference report. I am on the Interior Subcommittee. I have told my two colleagues before—the chairman and the ranking member—that I think they have done an awfully good job. This is not easy work. It is hard work, trying to fit unlimited wants into limited resources. How do you do all of that? You have to make choices. Sometimes the choices are hard and painful, but you have to make choices.

While I would like to see more investment and more spending in some areas that I think are critical, I must say that this year, once again, Senator GORTON and Senator BYRD have taken another step—a significant step—in addressing some of these critical needs.

And it has not always been done in the past. So I say to them, thank you. And good for you. I appreciate the work you have done.

I especially wanted to come to the floor today to speak for a few minutes about the issues of Indian education. I have been such a strong advocate of Indian schools. These schools on Indian reservations—both the BIA schools and the public schools on or near reservations—that do not have much of a tax base to help them are in desperate need of repair. The legislation that was brought to the floor of the Senate does, this time, make some significant strides in providing investments for those areas.

Let me use some charts that I have shown before to demonstrate why this is an important issue.

This is the Marty Indian School in Marty, SD. This picture shows what happens to be some of their plumbing. Take a look at that and ask if that is where you would be proud to send your kids to school—to an old 70- and 80-year-old building that is in desperate condition with, effectively, rubber Band-Aids around their water pipes and sewer pipes.

This is another picture of the Marty Indian School; an old rusty radiator with crumbling walls. Would we be proud to send our children into those classrooms?

I have been to the Ojibwa Indian School many times. This is a picture showing the plywood that separates this building from a caved in foundation, which separates children from danger. Of course, many of the children in Ojibwa go to a series of structures, modular structures, that are kind of like the double-wide mobile homes.

This picture shows the fire escape. Note the fire escape is a wooden set of stairs. These little children at the Ojibwa school move back and forth between all these modular structures, in the middle of the winter, with wind and snow blowing. I have been there. I have seen the wiring and other things that lead you to question whether those children are safe in those schools. We have report after report after report saying this school needs to be rebuilt.

Here is a fire escape made of wooden stairs in these modular classrooms. These modular classrooms go inside. Again, they are in desperate need of repair. My point is that we need to do better than this.

My two colleagues, who have put this bill together, have made a step forward this year in construction money and repair and renovation money for these schools. I say to them, thank you. I hope we can do even more in the coming years. But I appreciate the effort we have made this year.

I will make another point about Indian education. I want to read something to my colleagues. The other issue that is so important to me is the issue of the Indian tribal colleges around this country. They have been such a blessing to so many people who have been left behind.

There are so many people in this country who have been left behind, especially on the Indian reservations, living in poverty, living in communities with substantial substance abuse, violence that is the kind of unspeakable violence that breaks your heart.

I have talked about a young woman on the floor of the Senate before named Tamara Demarais. I met her one day. Young little Tamara was 3 years old when she was put in foster care. One person was handling 150 cases of these children. So that person, working these cases, put little Tamara, at age 3, in foster care and did not check closely enough the family she was putting this little 3-year-old with.

This is what happened to Tamara. At a drunken party, this little 3-year-old girl had her hair torn out by the roots, had her arm broken, and her nose broken in a severe beating.

How did that happen? Why did that happen to this little girl? Because somebody did not care enough or did not have the time to check to see whether they were putting this little girl in a family who was going to be harmful to her. She went to a foster home and was beaten severely at age 3.

I met that little girl about 2 years later. I wonder how long it will take her to get over the scars of what happened to her. But it happens too often—the struggle, the violence, amidst the poverty. How do we break out from that in these circumstances?

I want to tell you a story about tribal colleges. As the Senator from Washington will remember, in the full Appropriations committee in the Senate, I offered an amendment to add a couple million dollars. I am pleased to say that this funding stayed in this legislation. These tribal colleges are the colleges where those who have kind of been left behind in many cases go back to school. Often the only way they can do that is to have an extended family right on the reservation for child care and for other assistance; and then they can go to school.

I have talked before about the woman I met who was the oldest graduate at a tribal college when I gave the graduation speech one day. This is a woman who had been cleaning the toilets in the hallways of the college, a single mother with four children, and no hope and no opportunity.

She said to herself: I would like to graduate from this college somehow. So as she toiled, cleaning the school at nights, she put together a plan to try to figure out a way to go to that college and graduate. The day I showed up, she had a cap and gown and a smile on, because this mother of four, with the help of Pell grants and student aid and other things, was a college graduate. Imagine, that is what it does to the lives of these people.

I will read from a letter of someone who says it better than I could.

I grew up poor and I was considered backward by non-Indians.

My home was a two-room log house in a place called the ''bush'' on North Dakota's Turtle Mountain Indian Reservation.

I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.

When I went to elementary school I felt so alone and so different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture.

I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine.

My teachers called me savage.

Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?

By the time I reached 7th grade, I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me.

That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people.

I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty.

I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.

By the time I was 17, I had dropped out of school, moved to California, and had a child.

I thought my life was over.

But when I moved back to the reservation I made a discovery that literally put my life back together.

My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that is something I could do, too, so I enrolled.

In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned.

But to me, it didn't matter much. I was just amazed I could go to college. It was life-changing.

My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside of me.

This was so unlike my other school experience where I was told my language and culture were shameful and that Indians weren't equal to others.

Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstances or of anybody.

In fact, I loved college so much that I couldn't stop. I had a dream to fulfill . . . or perhaps some would call it an obsession.

This pushed me on to complete my studies at Turtle Mountain College and earn a Doctorate in Education Administration from the University of North Dakota.

I've worked in education ever since, from Head Start teacher's aide to college professor.

Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent

working with nine schools, three reservations, and I oversee two educational contracts for two tribal colleges.

My life would not have turned out this way were it not for the tribal college on my reservation.

This is Loretta De Long. Loretta is a good friend of mine, a remarkable woman, a remarkable educator. She writes a letter—I have not read all of it, there is another page—but she writes a letter that describes in such wonderful, vivid detail the struggle and the difficulty to overcome the obstacles early in her life and the role the tribal college played in her life.

The Turtle Mountain Community College is a wonderful place. I have been there many times. I have spoken at their commencement. They now have a new campus. They have people going to college there who never would have had a chance to get a college education, but being able to access the extended family on the reservation for child care and a range of other things, there are people getting education at this tribal college who would not have had the opportunity before.

It is not just this college. It is the Sitting Bull College at Fort Yates. I was down there recently and helped them dedicate a new cultural center. There are so many good tribal colleges that are providing opportunity for people such as Loretta.

There are people like Loretta who are going to schools of the type I described earlier. They are going to schools with heating registers that look like this. They are going to schools with plumbing that looks like this. That ought not happen. We know better than that. We can do better than that for these kids. It doesn't matter where you are in this country, when you send a kid through a schoolroom door, you ought to believe, as an American, that we want that child to go through the best classroom door in the world; we want that classroom to be one we are proud of.

I have mentioned before—and if it is repetitive, tough luck—I have mentioned before Rosie Two Bears, who, in the third grade at Cannonball, looked up at me and said: Mr. Senator, are you going to build us a new school? Boy, do they need it. Rosie Two Bears deserves, as every other young child in this country, the opportunity to go to a school we are proud of—we, as Americans, are proud of. She goes to a school right near an Indian reservation, just off the site of the reservation, with no tax base at all. It is a public school. We need to fix that.

The point is, that is sort of a long way of describing almost an obsession of mine—that we can't leave people behind in this country. This country is doing well. I am proud of that. But we can't leave people behind. There are some young kids, especially in this country, who are being left behind, going to schools that are not adequate. There are others who will be left behind if we don't continue to strengthen these tribal colleges.

A final comment: The amount of money we provide for tribal colleges with this legislation will provide $3,477 per pupil, and that is an improvement.

Let me finish by saying I commend the Senator from Washington and the Senator from West Virginia and others with whom I have worked. But the authorization is at the $6,000 level. And, frankly, in community colleges around the country—community colleges, not tribal colleges—the average support for students is over $6,000 per student. So we are still well short in tribal colleges of doing what we can to make these the kind of institutions we all know they can be.

I conclude by asking unanimous consent that the entire letter of Dr. Loretta De Long, from which I quoted, be printed in the RECORD.

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

TURTLE MOUNTAIN AGENCY,
TURTLE MOUNTAIN, NORTH DAKOTA

DEAR FRIEND OF THE COLLEGE FUND, I grew up poor and considered backward by non-Indians.

My home was a two-room log house in a place called the ''bush'' on North Dakota's Turtle Mountain Indian Reservation.

I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.

When I want to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture.

I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine.

My teachers called me savage.

Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?

By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me.

That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people.

I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty.

I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.

By the time I was 17 I had dropped out of school, moved to California, and had a child.

I thought my life was over.

But when I moved back to the reservation I made a discovery that literally put my life back together.

My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled.

In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned.

But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.

My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me.

This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others.

Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody.

In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession.

This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.

I've worked in education ever since, from Head Start teacher's aide to college professor.

Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges.

My life would not have turned out this way were it not for the tribal college on my reservation.

My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community.

Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands.

Instead of looking for someone else to solve our problems, we are doing it.

There's only one thing tribal colleges need.

With more funding, the colleges can do even more than they've already achieved. We will take people off the welfare rolls and end the economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received.

That is why I hope you will continue to support the American Indian College Fund.

I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people.

We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be.

But so much more must be done. There still isn't enough scholarship money available to carry students full time.

That is my new dream *–*–* to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.

I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality.

I know it can happen because if my dream for my future came true, anything is possible.

Thank you.

Sincerely,

LORETTA DE LONG, ED.D.,
Turtle Mountain Chippewa,
Superintendent for Education.

Mr. DORGAN. I have a number of other letters from people whose stories are just as inspiring, about their lives and the changes in their lives as a result of being able to access the education opportunities at tribal colleges.

Mr. GORTON. Will the Senator yield?

Mr. DORGAN. I am happy to yield for a question. The Senator from Illinois will retain the floor following my presentation.

Mr. GORTON. That is correct.

I want to thank the Senator for his compliments and to say what is obvious—that his dedication and commitment to his constituents in this connection is both praiseworthy and effective.

Earlier in the course of this debate, the Senator from New Mexico, Mr. DOMENICI, was here to speak to the same subject. He and the Senator from North Dakota made a very good team. Together they persuaded the President to include this very significant amount of money, both for the construction of new Indian schools and for the repair of those that can appropriately be repaired or remodeled. But as the Senator from New Mexico pointed out, this is the first major contribution to that. I can say that as long as I am in this position and as long as the Senator from North Dakota is in his, I know we will keep this in the forefront of our consideration. And I tell him that we are going to try to get to the bottom of that priority list as well as to the top of the priority list.

The Senator from North Dakota has done a good job in a good cause, and this bill takes a major step forward in meeting those priorities.

Mr. DORGAN. Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. Fifteen seconds.

Mr. DORGAN. If I might just conclude, I thank the Senator from Washington. I should certainly have, at the start of my presentation—and I did not—given credit to President Clinton. In his budget request, the Senator from Washington mentioned he did start a process this year to say we must do better.

So also, it seems to me, this administration deserves significant credit for the first steps in what I am sure will be a long journey, but one that we must complete. I thank the Senator from Washington and also the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I thank my colleagues from North Dakota and Washington. I appreciate this opportunity to continue reading an article from the Chicago Sun-Times dated October 6, 1996. The article is by Tim Novak, Chuck Neubauer, and Dave McKinney, headlined ''Cellini: State Capitol's Quiet Captain of Clout; Dealmaker Built Empire Working in Background.''

As you will understand, if you listen to the articles I am reading, we are ultimately leading up to a tie-in back to the Abraham Lincoln $120 million Presidential library in Springfield, IL. The article earlier discussed the Ogilvie years—Governor Ogilvie's administration in Illinois. And where we last left off was at the beginning of the Walker years. Walker was the Governor of Illinois who succeeded Ogilvie in the early 1970s.

Continuing with the article:

With Walker in the governor's office, Cellini was out of a job, never to return to the state payroll. But his ties to state government grew under the Democratic governor.

''He still had all his contacts with IDOT,'' said Joe Falls, a former Downstate GOP leader who ran IDOT's safety programs under Cellini.

''Walker and all his people still needed his help and Bill cooperated,'' Falls said. ''He had friends on both sides, but when it came down to an election, he was always a Republican.''

Cellini became executive director of the Illinois Asphalt Pavement Association, representing virtually all state road builders, many engineering firms and other companies that build and repair state roads. And he still runs the association, serving as executive vice president.

It's an association that has been quite beneficial for the road builders and Cellini, although his salary was a modest $49,140, according to the group's 1990 income tax returns.

Under Cellini's leadership, the association members have donated hundreds of thousands of dollars to governors and other state officials over the years. Edgar has received at least $375,000 from the association's members over the past 30 months. And the association's political action committee, the Good Government Council, has given more than $100,000 to other state officials.

''He and the asphalt pavers continued to play the same games as always but with a Democratic administration,'' a longtime Republican official said.

''The key to the asphalt pavers is that they get contracts for their work on a predictable basis,'' the official said. ''The business continued to flow and the campaign contributions flowed to the Democratic governor, just like the Republican governor.''

While heading the asphalt association, Cellini developed his reputation as a national transportation authority while expanding his political power.

Soon after Cellini left the state payroll, President Richard M. Nixon appointed him to the National Highway Advisory Committee.

Cellini found the federal post was advantageous, personally and politically. When his four-year term was set to expire in March, 1976, Cellini lobbied President Gerald Ford for an appoint to the National Transportation Policy Study Commission.

''The commission has been perfect for my simultaneously covering political meetings in D.C. and around the country, while keeping up with my profession in transportation and public works,'' Cellini wrote in a letter to Ford's personnel director Douglas Bennett on March 11, 1976.

''Of course, I'm counting that my serving as President Ford Committee's Downstate Coordinator for Illinois won't be a disadvantage,'' he added in the letter obtained from the Ford Library.

Cellini got the appointment. He also was chosen to give a speech seconding Ford's renomination at the 1976 Republican convention.

''They were looking for somebody with an ethnic connection, and (Ogilvie) probably recommended him,'' said Falls, who ran Ford's Illinois campaign.

Cellini was widely hailed for helping Ford win Illinois, although he lost the election to Jimmy Carter, one of the few times a presidential candidate won Illinois, but lost the White House.

As Cellini was expanding his power, he got into real estate development and management using the name New Frontier. The company specialized in building and managing apartments, usually with state financing, for senior citizens. The firm later branched into office buildings that were leased to the state.

In the waning days of the Walker administration, New Frontier got its first state deal when Cellini secured $5.4 million in state funds to build a 212-unit building near the state Capitol. The building includes offices for the asphalt pavement association and Cellini's companies, including New Frontier.

It was the first of several real estate deals New Frontier would get from state government.

THE THOMPSON YEARS

Cellini turned state government into a cottage industry after the Republicans regained the governor's office with the election of James R. Thompson in 1976.

Cellini averaged more than a deal a year with the state before Thompson stepped down after 14 years in office. And state officials say they were probably others that no one was aware of.

Cellini's personal income soared in the early Thompson years. Cellini's taxable income was $185,558 in 1978, and it nearly doubled to $368,100 in 1979, according to records he filed in federal tax court. He had no taxable income in 1980, $27,539 in 1981 and $252,349 in 1982.

Cellini's use of tax shelters created problems with the IRS, which ordered him to pay $78,120 in back taxes for some of those years, according to tax court records filed in 1992.

New Frontier—the company Cellini started shortly before Thompson took office—and its owners were worth $30 million when Thompson left office, according to a biography New Frontier used to attract clients in 1990.

Under Thompson, Cellini and New Frontier built nine apartment buildings in Chicago, the suburbs and Downstate with an additional $84.1 million in loans from the state housing authority, whose chairman A.D. Van Meter is a close friend of Cellini.

New Frontier also became one of the state's biggest landlords in Springfield, providing offices for several agencies such as Corrections, Public Aid and IDOT, the agency Cellini started.

Sometimes the state agreed to move into the buildings before New Frontier bought them. Sometimes the State hired New Frontier to erect buildings and lease them to the state, all without competitive bids, which Illinois does not require for its real estate transactions.

When New Frontier was chosen to build and lease a building for IDOT, Cellini already had an option to purchase the land.

Cellini has sold all of those buildings, but New Frontier still manages them.

And Cellini created new companies to get other deals under Thompson.

The President Lincoln Hotel Corp. got a $15 million loan from Thompson and state treasurer Jerry Consentino, a Democrat, so Cellini could build a luxury hotel in Springfield, a long-time dream that no one else would finance.

Cellini's dream has turned into a nightmare. Before Thompson and Cosentino left office, they renegotiated the loan twice lowering the interest rate to 6 percent from 12.5 percent to keep Cellini from defaulting. The current agreement prevents the state from foreclosing on the hotel until 1999, while Cellini can skip quarterly mortgage payments when the hotel operates at a loss.

The deal has caused a political backlash for Cellini.

State Treasurer Judy Baar Topinka cut a deal last year to let Cellini's hotel and another state-financed hotel in Downstate Collinsville pay $10 million to settle their debts which totaled $40.3 million. Attorney General Jim Ryan squashed the deal, arguing the hotels were worth more than $10 million.

Cellini and the Collinsville hotel owners, who include politically connected developer Gary Fears, sued, arguing that Ryan had no authority to cancel their deal with Topinka. The pending suit was brought by Winston & Strawn, the powerful law firm where Thompson now works.

Cellini's hotel plays a prominent role in his empire. When road builders come to bid for state contracts, many of them stay in the hotel resplendent with Italian marble, cherry wood and special shower rods that were invented and patented by Cellini—designed to keep the shower curtain from sticking to the backside of his guests.

The hotel is also the place where Cellini throws fund-raisers, like the bash he threw for Edgar the day after Topinka agreed to settle the hotel loan.

Cellini had made a lot of deals, but he hit the jackpot when he and a new group of partners got a riverboat casino license from the state two months before Thompson left office. Cellini's Alton Belle was the state's first floating casino when it opened a few months after Edgar took office in 1991.

Within two years, Cellini's group issued public stock in their casino company, Argosy Gaming, a deal that immediately netted Cellini $4.9 million and left him as one of the largest stockholders whose stock was worth $50 million. Since then, the stock's value has fallen and Cellini has sold off some shares. His family's remaining stock was worth $12 million last Wednesday.

''Right now the way Bill makes his money is by ownership of that boat,'' said a former state official, who asked not to be identified. ''It's questionable if . . . he needs to do any of these other deals. It's thought that he's hooked on deals. He just can't resist making deals.''

And while most of those deals came under Thompson, the former governor told the Sun-Times in 1990 that he had nothing to do with Cellini's influence.

''He was on the political scene when I became governor,'' Thompson said. ''He'll be on the political scene when I leave.''

THE EDGAR YEARS

Cellini has remained close to the governor's office, although his deals have slowed since Edgar replaced Thompson in 1991.

Cellini has been an important source of campaign contributions for Edgar, who spent $10.8 million to win re-election in 1994.

Two of Cellini's family members have positions in the Edgar administration: sister Janis as patronage director, and wife Julie, who has continued as chairman of the Illinois Historic Preservation Agency, an unpaid position she got from Thompson.

As we will recall, the Illinois historic preservation agency, which I believe Mrs. Cellini still runs or is in charge of, will probably be in charge of the Abraham Lincoln Presidential Library in Springfield.

New Frontier is constructing an addition to a building occupied by the state Environmental Protection Agency. New Frontier was hired to build the addition by the three businessmen who own the Springfield building. New Frontier has managed the building for the past 10 years. The state will pay $75 million to rent the complex that it will own at the end of the 20-year deal.

Cellini lobbies for several major clients, including Chicago HMO. The state paid Chicago HMO $155 million last year to provide health care for 75 percent of the 180,000 welfare recipients who are in managed care programs. Those numbers are likely to grow as Edgar pushes more welfare recipients into managed care.

With these vast business deals, Cellini's wealth has soared. In addition to his Argosy Gaming stock, his family has a stock portfolio worth at least $2.26 million. They own 108 stocks that are each worth at least $20,000 and 20 other stocks each worth at least $5,000, according to an ethics statement his wife filed earlier this year.

And the family earned at least $165,000 in capital gains last year from the sale of stocks they owned in 33 companies, according to the ethics statement.

Cellini remains in regular contact with Edgar's chiefs of staff, said Dillard, who had the job for three years.

''When I was the governor's chief of staff, Bill and I talked but it wasn't nearly as often as people imagined . . . a couple times a month,'' Dillard said. ''It could be (about) upcoming political races or just rumors he would pick up.

''One of the things that makes Bill Cellini a trusted adviser is the longevity and breadth of his experience in state government,'' Dillard said.

''Bill Cellini personally cares in a friendship type of fashion . . . about governors Thompson and Edgar,'' Dillard said. ''He's very different . . . from many of the other individuals who tangentially profit from government.''

Edgar's staff has consistently tried to downplay Cellini's clout, but the governor admits he has a close relationship with Cellini.

''Bill Cellini has been a friend of mine,'' Edgar said. ''We were both here in the '60s. I was starting out in the Legislature and he was in the Ogilvie administration. I've known him a long time.

''We don't socialize much, but we have over the years done things. . . . Our daughters were about the same age,'' Edgar said. ''If there's some issue he's got or some political thing coming up, we might talk about it. But we don't see each other that much.''

Cellini's clout is greatly exaggerated, Edgar insisted, the product of stories such as this.

''It's something you in the media have kind of continued to perpetuate that aura about Bill Cellini.''

There is another article on this same issue that came out a few years earlier. I would like to share that with the Senators who are here and the people in the galleries.

Continuing along on the history of what has transpired in State government in Springfield over the years, all leading up to why I am concerned that we have to make sure this $120 million building project in Springfield is competitively bid according to the strict guidelines so that no taxpayer money goes off on insider dealing in Springfield, this article appeared in the Chicago Sun-Times of Thursday October 11, 1990. It is written by Mark Brown and Chuck Neubauer. The title of the article is ''Influence Peddler Turns Clout To Cash.''

As lobbyist, landlord developer, hotel operator and all-purpose influence peddler, William F. Cellini has become a legend in Springfield for his prolific ability to cash in on State government. A budding political and business force when Governor Thompson was elected in 1976, this son of a police officer is now regarded by many as the State's most influential Republican not holding elective office. Much of that reputation is based on the goodies he has culled from the Thompson administration—six major State office leases, plus State financing for eight apartment projects, one office building, and a luxury hotel.

Like all legends, it often is difficult to sort fact from fiction where Cellini is concerned. For every business deal that can be traced to him, there are always two more in which he was rumored to be involved but left no fingerprints.

Cellini, 55, tends to add to the mystery, rarely talking to reporters. He did not answer Chicago Sun-Times requests for an interview for this story.

Although he served as the state's first transportation secretary, under Gov. Richard B. Ogilvie, his only official positions these days are with the Sangamon County Republican organization.

While acknowledging Cellini's influence, Thompson denied that it stems from him.

''He probably know more people in state government than I do,'' Thompson said.'' . . . He was on the political scene when I became governor. He'll be on the political scene when I leave. He doesn't need me to front for him.

Thompson said he speaks to Cellini no more than once a year. But they have communicated in other ways.

In one 12-month period encompassing his 1986 re-election campaign, Thompson reported using $765 in campaign funds to buy five antiques as gifts for Cellini and his wife. Thompson sent gifts for Christmas and as thank-yous for fund-raisers hosted by the Cellinis. The governor even remembered their anniversary.

Although Cellini's personal political donations to Thompson are not especially large, he is known for his ability to raise money from others.

''He's been very helpful,'' Thompson said.

One source of Cellini's clout is his role as executive vice president of the Illinois Asphalt Pavement Association, a trade group of road builders who have fared well under Thompson's policies. Their combined fundraising prowess is considerable.

Cellini also gets paid to protect the interests of three other groups, the Illinois Association of Sanitary Districts, Illinois Concrete pipe Association and Prestressed Precast Producers of Illinois.

His primary business, however, is the New Frontier Group, a diversified, Chicago-based real estate organization that was less than two years old when Thompson was elected. It now boasts that it has developed more than 1.3 million square feet of office space and 2,550 housing units.

Much of that growth is attributable to Cellini's adept use of government programs.

With $55 million in low-interest financing from the Illinois Housing Development Authority, a quasi-state agency under Thompson's control, New Frontier Developments Co. has built eight government-subsidized apartment projects since 1976.

Cellini's New Frontier Management Co. serves as the management agent not only for his own properties but for many other Chicago-area apartment buildings.

Cellini and New Frontier also emerged under Thompson as the state's favorite Springfield landlord.

His first major office deal was in 1979, when Cellini bought an abandoned seminary and leased it to the state for a Corrections Department headquarters and training school.

The controversial arrangement was typical of many of the Cellini deals that followed because state officials strayed from normal procedures to his apparent benefit.

Corrections officials were in such a hurry to get the seminary property that they passed up an opportunity to buy it outright and instead entered into a lease-purchase agreement with Cellini. They said it enabled them to move in more quickly than if they had to go through the usual purchase process.

The lease-purchase would have allowed the state to buy the facility any time over the term of the lease—at a generally escalating price. Eleven years later, though, the state still is renting.

Cellini, who had paid $3.6 million for the property and spent at least $4.2 million remodeling it, collected $9.5 million in rent from the state before selling to a Virginia company in 1987 for $9.1 million.

Cellini proved to be in the right place at the right time for many similar opportunities, renting space to the Public Aid, Transportation and Commerce and Community Affairs departments.

In the cases of Public Aid and Transportation, Cellini's company was hired to construct buildings and lease them back to the state, bypassing the state Capital Development Board, which usually constructs state buildings on a competitively bid basis.

When Transportation Department officials got around to announcing the site that they insisted on having for their new building, it turned out that Cellini already had an option on the land.

Even when Cellini began selling his buildings, at a tidy profit, his company was kept on by the new owner to manage them. The 20-year management agreements have a special termination clause that calls for a $1.1 million fee to be paid to Cellini's company if the new owner replaces it.

The most prominent symbol of Cellini's political influence is the Springfield Ramada Renaissance, a luxury hotel that he long had sought to build but couldn't get financed until Thompson and state Treasurer Jerry Cosentino approved a $15 million state loan in 1982.

The hotel has been a financial embarrassment for the state, which has twice renegotiated the loan to avoid a default.

That article ended by discussing a Renaissance Springfield Hotel which, and we have heard, Mr. Cellini was instrumental in getting a State loan to construct a hotel. We also reviewed earlier that Federal funds were involved in building that hotel, and we went through and realized that hotel has not paid back that $15 million loan—at least not as far as we know.

The proposed Lincoln Library site is going to be right near that hotel.

I turn from the hotel issue to discussing how the State awarded riverboat gaming licenses. The State, back in the beginning and the late 1980s, and I think finally in 1990, created 10 riverboat licenses. The State statute was fairly specific with respect to where many of these riverboat licenses had to be. It later turned out that in most cases, only a couple of people applied for the riverboat licenses and these licenses wound up being very lucrative. In fact, they ended up being phenomenally lucrative licenses. Again, on the riverboat licensing, as was mentioned in that article, Mr. Cellini was involved in the Alton Riverboat, the gaming company boat we have talked about.

I will proceed to discuss how those licenses were handed out.

Mr. DURBIN. Will the Senator from Illinois yield?

Mr. FITZGERALD. I yield only for a question.

Mr. DURBIN. I noticed the Senator earlier had yielded to Senators with an understanding, a unanimous consent agreement that he would not surrender the floor. I ask for the same opportunity to speak, with the unanimous consent request that the floor will be returned to my colleague from Illinois after the conclusion of my remarks.

Mr. FITZGERALD. I would be happy to accommodate my colleague. I am told that similar requests are pending from Senator GRAHAM of Florida, Senator JOHN MCCAIN, and then you? If we could work out an agreement, I would not like to bypass those who have shown up earlier. Are either of those Senators on the floor or the Cloakroom?

Mr. DURBIN. I do not believe either of those Senators are on the floor. I believe my statement will take no more than 10 minutes. With the forbearance of the Senator, I ask unanimous consent I be allowed to speak for 10 minutes, and that at the conclusion of my remarks the floor be returned to my colleague from the State of Illinois.

Mr. FITZGERALD. I am going to object to that. I am told the leader is on his way and he is going to be making a statement.

The PRESIDING OFFICER. Objection is heard. The Senator from Illinois has the floor.

Mr. REID. The Senator has the floor, but I would like to propound a unanimous consent request that we go into a quorum call for the purpose of the leader coming to the floor, and when the majority leader completes his statement, the floor return to the Senator from Illinois and that he not be charged with a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. FITZGERALD. Yes, I agree to that. I have no objection.

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

The 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 (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, the Interior appropriations conference report obviously is a very important bill. There has been an awful lot of work that has gone into it. It does have bipartisan support. As I understand it, it is positioned to be signed into law. It passed the House 349–69, something of that nature.

The Senator from Illinois has some difficulties with a provision in this legislation. Certainly, as any Senator, he is entitled to make his point, and to make his point at length within the provisions of our rules. It is important we move forward now. We are prepared to move forward on this legislation.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending Interior appropriations conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of Interior appropriations bill:

Trent Lott; Ted Stevens; Larry Craig; Pat Roberts; Jim Inhofe; Mike DeWine; John Warner; Pete Domenici; R.F. Bennett; Richard Shelby; Kit Bond; Slade Gorton; Phil Gramm; Conrad Burns; Chuck Hagel; and Kay Bailey Hutchison.

Mr. LOTT. Mr. President, I will continue to work with Senator FITZGERALD and others to try to resolve this issue as best we can and any other problems that may exist. I do believe it is necessary to prepare the Senate for a cloture vote if it should be necessary.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of Calendar No. 641, S. 662.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 662) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance 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 ''Breast and Cervical Cancer Prevention and Treatment Act of 2000''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking ''or'' at the end;

(B) in subclause (XVII), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) Individuals described in this subsection are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and

(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking ''or'' at the end;

(B) in clause (xii), by adding ''or'' at the end; and

(C) by inserting after clause (xii) the following:

''(xiii) individuals described in section 1902(aa),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.

(c) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, as amended, be considered read the third time.

The bill (S. 662), as amended, was considered read the third time.

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate then proceed to Calendar No. 542, H.R. 4386, all after the enacting clause be stricken, and the text of S. 662 be inserted in lieu thereof. Further, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and, finally, any statements relating to this very important piece of legislation be printed in the RECORD.

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

The bill (H.R. 4386), as amended, was read the third time and passed.

Mr. LOTT. I note, Mr. President, that this is the breast and cervical cancer legislation. It has broad bipartisan support. I am very pleased we were able to come to an agreement to bring it this

far. It came up this morning in the Finance Committee. I asked the Senator from New York if he would help us get it cleared through to this point. Senator MOYNIHAN indicated he would, and he has done so, as always. I do not think we would have this clearance without his help.

Mr. MOYNIHAN. Mr. President, may I have one moment?

Mr. LOTT. Mr. President, I will be glad to yield the floor to Senator MOYNIHAN.

Mr. MOYNIHAN. Mr. President, we all thank the majority leader for this action. I know it will be particularly pleasing to the chairman of our committee, Senator ROTH, who took up this measure, introduced in the first instance by Senator CHAFEE. It came out of our committee unanimously. It is good legislation. It should be pursued. We thank the leader for his effort.

I yield the floor.

Mr. LOTT. I ask unanimous consent that S. 662 be placed back on the calendar.

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

Mr. ASHCROFT. Mr. President, I take this opportunity to commend the Senate's passage of S. 662, the Breast and Cervical Cancer Treatment Act. I am pleased to be a cosponsor of this important legislation, which provides low-income, uninsured women with access to the treatment they need to battle these two potentially devastating diseases.

In 1990, Congress created a program, administered by the Centers for Disease Control, CDC, to provide breast and cervical cancer screening for low-income, uninsured women. While this program's goal was to reduce mortality rates from these two diseases, the fact many women diagnosed under the program had no funds for treatment left our goal largely unfulfilled.

The Breast and Cervical Cancer Treatment Act moves this Federal commitment forward to the next logical step, by providing Medicaid funds to treat these women who are diagnosed with breast or cervical cancer through the CDC screening program. Under this important legislation, American women will be able to receive the treatment they need to win the fight against breast cancer or cervical cancer.

As we are in the waning days of this legislative session, I am glad to join my Senate colleagues in passing the Breast and Cervical Cancer Treatment Act, which will provide new resources and hope to low-income women with breast or cervical cancer. As the House has already passed a similar bill, it is my hope that Congress will present final legislation to the President for enactment this year.

Ms. SNOWE. Mr. President, I rise today to express my unwavering support for passage of the Breast and Cervical Cancer Treatment Act (S. 662). This bill addresses an issue that is vital to the health and lives of so many low-income women—coverage of breast and cervical cancer treatment under the Medicaid program.

This legislation was originally introduced by our late colleague, Senator John Chafee of Rhode Island. Senator Chafee was always one of the Senate's leaders on health care issues, and like all of my colleagues, I am sad that he is not with us today to see his bill pass the Senate. I know that he would be pleased to know that his bill now has the support of 75 Senators.

I also want to take a moment to note the dedication of my colleagues Senators MIKULSKI, LINC CHAFEE, GRASSLEY, and HATCH—we have put many hours into ensuring that today's legislation gets through the Senate and can be reconciled quickly with the House version. Finally, this bill would not be before us today if not for the help of the Chairman of the Senate Finance Committee—it was Senator ROTH who made a commitment to get this bill through the Finance Committee.

In 1990, while serving in the House, I was a proud cosponsor of the legislation that established the Center for Disease Control's National Breast and Cervical Early Detection Program. This groundbreaking program—sponsored in the Senate by Senator MIKULSKI—ensures that women who are medically underserved in this country receive regular screening for breast and cervical cancer. Since the program did its very first screening in 1991, over 1.4 million women have had either a mammogram or a test for cervical cancer. And more are screened every single day.

It is unquestionable that early detection is our best weapon against cancer. The success of the CDC program is proven. As a result of this program over 6,800 uninsured, low-income women across the country now know they have breast cancer and can take action to fight this disease. And over 34,000 uninsured, low-income women across the country now know they have either invasive cervical cancer or precancerous cervical lesions.

In my home state of Maine, nearly 16,000 women have gone through the screening program since it began in 1995. And as a result of this screening 46 women with breast cancer and 23 women with cervical cancer have vital information that they might not have had otherwise. I don't like to think of what could have happened if they had found out about their cancer when it was too late.

Unfortunately, screening alone—and the life-or-death knowledge about one's health that comes as a result—cannot save a woman's life. It is estimated that breast and cervical cancer will kill more than half a million women this decade alone. In fact, breast cancer is the number one killer of American women between the ages of 35 and 54. While screening is the first line of defense in fighting cancer, and is so very, very important, it is really only the first part of the battle.

When the National Breast and Cervical Cancer Early Detection Program passed in 1990, we wanted to ensure that women would receive treatment. The law was written to require states to seek out services for the women they screen in order to receive timely and appropriate treatment. But the state programs are overwhelmed. Program administrators are scrambling to find treatment services—and even then these uninsured, low-income women must somehow come up the money for costly procedures.

This legislation will give women who have been screened through the CDC's National Breast and Cervical Cancer Early Detection Program the chance to receive needed treatment that is truly life-and-death. This Act will allow states the option of providing Medicaid services to women who have breast or cervical cancer.

I would like to explain to my colleagues why this legislation is so important in a very personal way. One of my constituents went through the Maine Breast and Cervical Health Program and had an abnormal mammogram, followed by an abnormal ultrasound. She was advised to have a sterotactic biopsy but delayed for three months because she could not afford it. Three months in which her cancer could grow and spread. And while she eventually had the biopsy and was not diagnosed with cancer, these three months could have truly meant the difference between winning or losing her battle against cancer.

The women who go through this program have undergone enough solely by being diagnosed with cancer. And the stress of diagnosis is almost debilitating. But to compound this stress, to leave a woman with the knowledge that she has cancer, that she must—absolutely must— receive treatment or her cancer will spread, but to not help her find the means to fight for her life is unconscionable.

We cannot sit back and claim that a screening program is enough to save a woman's life. We know that the uninsured are 49 percent more likely to die than are insured women during the four to seven years following an initial breast cancer diagnosis. This is unconscionable—we must provide an option for uninsured women who are not able to pay for treatment on their own. We cannot sit back and watch women die from a disease that they discovered through our program but not help them fight this disease.

I am extremely pleased that the Senate is bringing the bill up for passage today; the House overwhelmingly

passed its version on May 9th and I hope that the two bills will be reconciled quickly in conference.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the Breast and Cervical Cancer Treatment Act S. 662. I am proud to be the lead Democratic sponsor of this bill. This is legislation that will help save lives, and it has the strong bipartisan support of 76 cosponsors. It gives states the option of providing Medicaid coverage to low-income women diagnosed with breast and cervical cancer through the National Breast and Cervical Cancer Early Detection Program under the Centers for Disease Control and Prevention, CDC.

Senate passage of this legislation was a true bipartisan team effort, and I want to recognize the other members of this team. I want to commend the late Senator John Chafee, who sponsored this legislation, for his leadership and genuine commitment to the women this bill would help. I want to thank Senators LINCOLN CHAFEE, MOYNIHAN, SNOWE, GRASSLEY, and HATCH for their strong support and leadership as we have all worked together to move this legislation through the Senate. I thank the Majority Leader and the Democratic Leader for their commitment to getting this bill through the Senate.

I also want to commend Senator ROTH for his leadership in the Finance Committee to ensure committee consideration and passage of this bill. Thank you also to President Clinton and Vice President GORE who have been supportive of providing treatment to women diagnosed with breast and cervical cancer through the CDC screening program, especially by including a provision similar to S. 662 in the Administration's Fiscal Year 2001 budget.

Finally, none of us would be here today to celebrate Senate passage of this bill without the hard work, tenacity, persistence, and perseverance of Fran Visco and the National Breast Cancer Coalition. They have done an outstanding job of making sure that women's voices from across the country were heard, listened to, and well represented.

However, our work is not yet finished. The House of Representatives must now take up and pass the bill we passed today. The House should move swiftly to enact this legislation that has such overwhelming bipartisan support.

The CDC screening program celebrated its 10th anniversary on August 10, 2000. The CDC screening program has provided over one million mammograms and over one million Pap tests. Among the women screened, over 7,000 cases of breast cancer and over 600 cases of cervical cancer have been diagnosed. I am proud to be the Senate architect of the legislation that created the breast and cervical cancer screening program at the CDC, and now I'm fighting to complete the program by adding a treatment component. There are three reasons why we must swiftly enact the Breast and Cervical Cancer Treatment Act.

First, times have changed since the creation of the CDC screening program ten years ago. In 1990, when I wanted to include a treatment component in the screening program, I was told we didn't have the money. Well, now we are running annual surpluses, instead of annual deficits. The screening program was just a down payment, not the only payment. We have the resources to provide treatment to these women. I think we ought to put our money into saving lives.

Second, prevention, screening, and early detection are very important, but alone they do not stop deaths. Screening must be combined with treatment to reduce cancer mortality. Finally, it is only right to provide federal resources to treat breast and cervical cancer for those screened and diagnosed with these cancers through a federal screening program.

I look forward to working with my colleagues on both sides of the aisle to ensure swift enactment of the Breast and Cervical Cancer Treatment Act in the final days of this session. Women diagnosed with breast and cervical cancer shouldn't have to wait another year for treatment. I can't think of any better way to mark the 10th anniversary of the CDC screening program than by finally adding a federal treatment component to ensure that we make a true difference in the lives of women across this country.

Mr. ROTH. Mr. President, I am pleased that the Senate has passed legislation that will dramatically improve the lives of lower-income women faced with a terrifying diagnosis of breast or cervical cancer.

Ten years ago, Congress created the National Breast and Cervical Cancer Early Detection Program, through the Centers for Disease Control, to help lower-income women receive the early detection services that are the best protection against breast and cervical cancer. This important program has served more than a million women in subsequent years. However, the screening program does not include a treatment component. Instead, women who receive a cancer diagnosis must rely on informal networks of donated care.

Last year, Senator John Chafee introduced S. 662, the Breast and Cervical Cancer Treatment Act, to make it easier for women facing breast and cervical cancer to receive necessary treatment—and I think each and every one of us shares that important goal.

S. 662 makes treatment available through the Medicaid program. Now, maybe some of us would have approached the problem differently. I think there are very valid concerns about creating disease-specific eligibility categories within the Medicaid program.

However, despite those concerns, I am pleased that the Senate passed S. 662 because we are dealing with a thoroughly unique set of circumstances. The new Medicaid eligibility category created in S. 662 is specifically linked to a unique and existing federal screening program and must not, and will not, be viewed as a precedent for extending Medicaid eligibility body-part by body-part.

Instead, today the Senate fulfills a promise made nearly 10 years ago. We are saying to lower-income, uninsured women that we will continue to help you access the preventive health care services you need. But now, through S. 662, our commitment to you will not stop with screening. If problems are found, the federal government stands ready to work with the states to make sure you receive the treatment you need to get well.

I am grateful to my colleagues in the Senate for joining me in supporting this important legislation, and I look forward to working with my colleagues in the House to quickly reconcile the differences between our bills so we can see this necessary legislation signed into law this year.

UNANIMOUS CONSENT REQUEST—H.R. 4986

Mr. LOTT. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the Senate turn to the consideration of Calendar No. 817, H.R. 4986, relating to foreign sales corporations, and that 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 unanimous 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, who would be Senators ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have been doing everything we can to move along the appropriations process. We did that on the energy and water appropriations bill. We are doing that on the Interior appropriations bill. I want the RECORD to be clear, as the leader knows, we are not holding up the Interior bill.

Mr. LOTT. Absolutely. We had some reservations on both sides of the aisle last night. The reservations on Senator REID's side of the aisle were worked out. The problem now is, as I stated,

that Senator FITZGERALD has a problem. The Senator from Nevada has worked on his part of the problem on which, by the way, I agreed with him. I believe we have gotten the language we need, so it is not necessary for that objection to be filed.

Mr. REID. Mr. President, I further say under my reservation, we are also standing by ready to work on Transportation and hopefully Agriculture. It would be very nice if we could complete this work which is, as the leader knows, overdue.

The point is, I want the RECORD spread with the simple fact that I am going to object to Calendar No. 817. It is an unusual thing we have to object. We want to move things along as quickly as possible, as indicated by the statement I just made. But as to H.R. 4986, I object. I say to the leader, there are people who are looking at this, and we hope it can be cleared at an early date.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I may comment, as Senator REID mentioned, we hope to move to the Transportation and Agriculture appropriations conference reports. I had hoped one or both of those would be ready today. I believe they are both close to completion. In fact, I am sure the Transportation appropriations conference report is completed, and we should have it, hopefully, early in the morning. Agriculture has been more difficult for obvious reasons: Getting an exact reliable number on what is needed for disasters, but also dealing with issues such as the drug reimportation question and the sanctions issue. They are going to attempt to close that conference this afternoon. We hope to have a vote and be ready for action on tomorrow.

With regard to this particular bill, the foreign sales corporation, I understand there are some reservations, but hopefully we can find a way to consider it.

Mr. MOYNIHAN. Would the majority leader yield for a question?

Mr. LOTT. I do not believe I have the floor, I say to the Senator, but I am sure that Senator REID would yield to the Senator.

Mr. REID. I am happy to yield to my friend from New York who is so interested in this legislation, and who has talked to me about it so many times.

Mr. MOYNIHAN. You say ''reservations.'' Sir, if there are any reservations about the legislation as such, I would hope they would bring them to the attention of Senator ROTH, myself, and others, and the administration.

This is absolutely must do legislation. If we do not do it, we put ourselves at risk of a probable certain outcome—a trade war with Europe. In fact, it would astonish us and injure us, and we will wonder what happened. And nothing need have happened.

It was found that our tax arrangements for foreign sales corporations were in violation of WTO rules. Fine. We said we will produce a different measure that is compliant. The American industry is very happy. We have the bill. All we need to do is pass it. The deadline was October 1. It has been extended to November 1. If we do not do this, we will be remembered as a Congress that did not, and not favorably, sir.

I thank you for bringing it up. I regret there are reservations, but they have nothing to do, that I know of, with the essence of this measure.

Mr. REID. I would say to my friend, I think the statement that the Senator has made should be within earshot of everyone. If there is a problem—and somewhat technical in the minds of some—they should come forward.

Mr. MOYNIHAN. I will stay here all afternoon and evening.

Mr. REID. I am sure the Senator can explain it well. So I invite Senators to do that.

Mr. LOTT. I would like to make clear, if there is a technical amendment, or if there is a germane amendment, we could certainly get an agreement to make that in order.

What bothers me is that earlier on there had been indications that there were unrelated amendments that would ball the Senate up and this bill into protracted debate. What bothers me even more is, as we get closer, hopefully, to the end of the session, the thinking, I guess, would be, well, we will just drop this into something. The opportunity for mischief at that point is endless because if one Senator shows up and objects, we could lose it.

So I know Senator REID will be working on this. But this is something that is important to our country. I assume that the White House also would like to get this done. We need to continue to focus very closely on this piece of legislation.

UNANIMOUS CONSENT REQUEST—H.R. 4868

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 841, H.R. 4868, regarding tariff and trade laws.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 2884

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 506, H.R. 2884, which extends energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003. I further ask consent that a substitute amendment at the desk submitted by Senators MURKOWSKI and BINGAMAN be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI addressed the Chair.

Mr. LOTT. Mr. President, I would be glad to yield the floor to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that the majority leader attempted to get a unanimous consent on the Energy Policy and Conservation Act.

That bill was objected to?

Mr. LOTT. I believe there was objection.

The PRESIDING OFFICER. Objection was heard.

Mr. LOTT. If the Senator would allow me, we have one other unanimous consent request. If we could get that entered into—it has been agreed to—then you would have the floor without the pressure of making a short statement. I think Senator REID would be able to leave the Chamber, too, if he chooses.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 110

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 110, the continuing resolution, and after the reporting of the joint resolution by the clerk, it be considered under the following agreement, with no amendments or motions in order: 2 hours equally divided between the chairman and the ranking minority member or his designee; 3 hours equally divided between the two leaders or their designees.

I further ask consent that all time be used or considered yielded back by the close of business today, and when the Senate reconvenes on Thursday at 9:30, there be 30 minutes under the control of Senator STEVENS and 60 minutes under the control of Senator BYRD for closing remarks, and at 11 a.m. the bill be read for a third time, and passage of H.J. Res. 110 occur, all without any intervening action or debate, and that this all begin immediately following the statement by Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, I say to the leader and to the Presiding Officer, we have a number of people who wish to speak on this matter today. We have the time to do that. If we can work something out with the Senator from Illinois, there are people waiting to speak today on this matter.

Mr. LOTT. I believe the Senator from Illinois understands it will be 6 or 6:15 or thereabouts before he would be able to resume making his statement. So that would give us a couple hours that we could use before that time, and then additional time after that, if it is necessary. So hopefully we can get started right away.

Mr. REID. I say to the leader, through the Chair, the Senator from Illinois has been most gracious today. I know he believes very passionately and strongly about the issue he has been debating. But he has been very cooperative, generous in allowing us to interrupt as long as he did not lose the floor. I extend my appreciation to the Senator from Illinois for allowing us to do that.

Mr. FITZGERALD. I just reserve the right to object.

My understanding is that I will have the floor again at about 6:15.

Mr. LOTT. Or thereabouts. It could be earlier or 5 minutes later, but fully it is our intent to have the Senator from Illinois resume his statement at that time or at about that time.

Mr. FITZGERALD. I thank the leader for his accommodation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. LOTT. Was there objection?

I believe the request was agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. MURKOWSKI. I ask unanimous consent, if I may, to proceed off the leader's time on the CR that is before the body.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend, we have a number of Senators who have been waiting for a long time. Will the Senator give us some idea as to how long he will be?

Mr. MURKOWSKI. I will be very short. I imagine I will be 10, 12 minutes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from Alaska the Senator from Illinois be given 10 minutes off the time that has been reserved for Senator BYRD.

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

ENERGY POLICY AND CONSERVATION ACT

Mr. MURKOWSKI. Mr. President, my understanding is that the leader requested unanimous consent to bring up the Energy Policy and Conservation Act, referred to as EPCA, and there was objection raised. I wonder if the——

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I would hope that my colleagues who have raised an objection to the Senate taking up this legislation would reconsider. This is a very important piece of legislation. It is the reauthorization of the Energy Policy and Conservation Act.

Senator BINGAMAN, who is the ranking member of the Energy and Natural Resources Committee, and myself, as chairman, have worked closely to come together with this compromise legislation. We have worked with the administration.

It is my understanding that the administration supports this legislation, and for good reason: Because the Energy Policy and Conservation Act, initially passed in 1975, deals with issues at hand, issues that are affecting the energy supply in this country, issues that are affecting the price of energy in this country; and issues that the administration has mandated pass the Congress of the United States, specifically, this body because these issues deal with the domestic oil supply and conservation and the Strategic Petroleum Reserve and the International Energy Program, or IEP, as the agreement stands.

Certain authorities for the Strategic Petroleum Reserve, or SPR, and U.S. participation in the International Energy Program expired in March of this year. The legislation before us would extend these authorizations through September 30, 2003.

I think it is rather ironic that we are out of compliance in the sense of having both these significant issues expire at a time when we have an energy crisis and we have not acted upon them.

I would like to point out several facts about the legislation before us and the need for that legislation.

We have seen a lot of publicity given to the Strategic Petroleum Reserve and the emphasis put on the significance of that as kind of a savings account for oil in case we have an interruption from our supply from overseas, a supply which currently is about 58 percent of our total consumption.

Title I of EPCA provided for the creation of SPR, the Strategic Petroleum Reserve, and set forth the method and circumstances for its drawdown and distribution in the event of a severe energy supply interruption or to fulfill U.S. obligations under the IEP agreement.

The SPR currently contains approximately 570 million barrels of oil and has a total capacity of about 700 million barrels, with a daily drawdown capacity of about 4.1 million barrels per day. At its peak, the SPR contained 592 million barrels of oil. Currently, the SPR contains about 570 million barrels of oil, so there has been a drawdown.

We have seen the action by the President in transferring 30 million barrels out of the SPR to be turned into heating oil. It is rather interesting to note that the formula doesn't necessarily relate to 30 million barrels of heating oil. We will actually get somewhere between 4 and 5 million barrels of heating oil out of 30 million barrels of crude oil, about a 2- to 3-day supply.

As a consequence of the President's action, there is a legitimate question of whether the President had the authority to transfer that oil out of the SPR since the authorization for the Strategic Petroleum Reserve expired March 30 of this year. In any event, there is absolutely no reason why it shouldn't be authorized, regardless of individual attitudes on the appropriateness of drawing the SPR down.

It was created in response to the difficulties faced in 1973, when we experienced the Arab oil embargo. Many of us remember that time. We were outraged. We had gasoline lines around the block and the public was indignant. They blamed everybody—the Government. How could it happen in the United States that we had run out of gasoline? The concept was simple. At that time, most of us believed America should not be held hostage again to Mideast oil cartels and that this would act as our protection against cutting off our supplies. Unfortunately, we find ourselves in a situation today where our domestic policies have led us to being held hostage by another tyrant. That tyrant in the Mideast is one Saddam Hussein.

Clearly, we are becoming more and more dependent on Saddam Hussein. Currently, 750,000 barrels a day of Saddam Hussein's oil come to the United States. It is even more significant that Saddam Hussein has taken a pivotal role in the oil issue worldwide, because the difference between production capacity and consumption is a little over 1 million barrels a day. In other words, we are producing a little over 1 million barrels more than we can consume, but that is the maximum production. Out of that, Saddam Hussein is contributing almost 3 million barrels a day. So you can see the leverage that Saddam Hussein has. He has already threatened to cut production. He went to the U.N., when they asked for specific programs for repayment of damages associated with his invasion of Kuwait. He said: If you make me do this now, what I am going to do is simply put off any further plans to increase production, and I very well may reduce production.

You can see the leverage he has if he reduces production. What is the world going to do? The price is going to go up, and they are going to pay the price.

So what we have seen today is the reality that the world is consuming just slightly less oil than we are producing. Because of this, we have not been able to build up our supply of inventory against any unexpected supply interruption, which very well could occur. The Mideast is still an area of crisis and controversy.

Here we are, as we approach the fourth quarter of the year, and we have the difference between supply and demand, the knowledge that it is going to tighten even further, and this leads, as I have indicated, to a volatile worldwide oil market.

It is troubling in the United States because we have allowed ourselves to become 58-percent dependent on imported oil, and this has grown dramatically in the past few years. What disturbs me most is the fact that we have become even more dependent on Iraq. As a consequence, it is fair to recognize that with Saddam Hussein now calling the shots in the world energy markets and the United States allowing him to do so, we have basically put in danger the security of Israel.

Make no mistake about it. Every speech he concludes, he concludes with: Death to Israel. It is kind of ironic. Maybe I am oversimplifying our foreign policy, but it seems as though we buy his oil, put it in our airplanes and go over and bomb him. We have had flown over 200,000 sorties since the Persian Gulf war, where we go over and enforce what amounts to an air blockade. As a consequence, we are in a situation where we are supplying the cash-flow for his Republican Guard as well as the development of his missile and delivery capability and his biological capability. This is a mistake.

Because of this, it is imperative that we continue to place the focus of the Strategic Petroleum Reserve on a defensive weapon against severe supply interruptions and that we do not use it as an offensive weapon to manipulate market forces. We have debated that issue on the floor before. I think this bill achieves a balance.

What we have in this bill is very important because many Members are from the Northeast, and this bill covers heating oil reserves. The legislation contains language authorizing the Secretary of Energy to create a home heating oil reserve in the Northeast.

Several points about this: First, I have personal concerns about the establishment of such a reserve. A reserve could actually act as a disincentive to marketers to keep adequate supplies of oil on hand for fear that the price could drop out of their market at any time. That is a possibility, with the Government going into competition.

A government-operated reserve of 2 million barrels could actually tie up storage capacity that private marketers would fill and deplete usually four or five times a season. The reserve could create an unworkable, rather elaborate regulatory program used to implement it.

Second, I was most concerned about the trigger mechanism included in the House language that seemingly gave the Secretary total discretionary authority to release oil from the reserve. I believe we have addressed the majority of the problems associated with the creation of such a reserve by clarifying the trigger mechanism.

The mechanism we have in this bill allows the Secretary to make a recommendation for release if there is a severe supply interruption. This is deemed to occur if, one, the price differential between crude oil, as reflected in an industry daily publication such as Platt's Oilgram Price Report or Oil Daily, and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more than 60 percent over its 5-year rolling average; and second, the price differential continues to increase during the most recent week for which price information is available. We have this mechanism in this legislation, and it has been agreed to by virtually every Member of this body.

As to EPCA reauthorization, the bill extends the general authority for EPCA through September 30, 2003.

On the Strategic Petroleum Reserve, the authorities for SPR are extended through September 30, 2003. It strengthens the defense aspects of SPR by requiring the Secretary of Defense to affirm that a drawdown would not have a negative impact on national security. That was an important provision Senator BINGAMAN and I negotiated.

We also have stripper well relief, the small stripper wells that we are so dependent on that were threatened the last time we had a price downturn. The amendment retains the provision contained in the House bill that would give the Secretary of Energy discretion to purchase oil from marginal—that is 15 barrels of production daily or less—wells when the market price drops below $15. Otherwise, these wells will be lost. The cost of production to get them back up is such that they would never go on line again. This would give some certainty to these producers that we really value, the strippers, as the true strategic petroleum reserve, and an operational one, in this country.

This provision would hopefully offset the loss of some 600,000 b/d of lost production that occurred because of the dramatic price decrease in 1999.

This amendment also allows the Secretary to fill the SPR with oil bought at below average prices.

We have weatherization. It strengthens the DOE Weatherization program by expanding the eligibility for the program and increases the per-dwelling assistance level.

The Summer Fill and Fuel Program authorizes a summer fill and fuel budgeting program.

The program will be a state-led education and outreach effort to encourage consumers to take actions to avoid seasonal price increases and minimize heating fuel shortages—such as filling tanks in the summer.

The Federal Lands Survey directs the Secretary of Interior, in conjunction with the Secretaries of Agriculture and Energy, to undertake a national inventory of the onshore oil and gas reserves in this country and the impediments to developing these resources.

This will enable us to get a better handle on our domestic resources and the reasons why they are not being developed.

The DOE Arctic Energy Office establishes within the Department of Energy an Office of Arctic Energy.

Most of the energy in North America is coming from above the Arctic Circle.

The office will promote research, development, and deployment of energy technologies in the Arctic.

This provision is critical as the Arctic areas of this country have provided for as much as 20% of our domestic petroleum resources—have more than 36 TCF of proven reserves of gas, and an abundance of coal, as we look at future energy needs of this country.

It might surprise members to know that the Department of Energy employs no personnel in Alaska!

There is a 5 megawatt exemption that allows the State of Alaska to assume the licensing and regulatory authority over hydro projects less than 5 megawatts.

This will expedite the process and cost of getting this clean source of energy in wider use in Alaska.

The Senate has already passed this provision.

The justification is that there is no way a small community, a small village, can put in a small hydrobelt wheel on a stream that has no anadromous fish and generate power to replace dependence on high-cost diesel, much of which is flown in, and still meet the requirement of the FERC, which licenses these small operations. And, as a consequence, we have not been able to utilize them in many of the areas to replace the high cost of diesel.

We have royalty-in-kind.

This provision allows the Secretary of the Interior more administrative flexibility to increase revenues from the government's oil and gas royalty-in-kind program.

Under current law, the government has the option of taking its royalty share either as a portion of production, usually one-eighth or one-sixth, or its equivalent in cash.

Recent experience with MMS's royalty-in-kind pilot program has shown that the government can increase the

value of its royalty oil and gas by consolidation and bulk sales.

Under royalty-in-kind, the government controls and markets its oil without relying on its lessees to act as its agent. This eliminates a number of issues that have resulted in litigation in recent years and allows the government to focus more directly on adding value to its oil and gas.

Finally, the FERC relicensing study requires FERC to immediately undertake a review of policies, procedures, and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license.

I remind colleagues that this is a bipartisan piece of legislation that has been developed between Senator BINGAMAN and myself on the Energy Committee. It has been cleared, as I understand it, by our side unanimously. It is my understanding that there still remains objection on the other side, although we have had assurances that we are willing to work and try to address the concerns of those on the other side who have chosen to place a hold on this legislation.

In view of the heightened emotions associated with our energy crisis in this country, this is very responsible legislation that is needed and is supported by the administration. It is timely, and it is certainly overdue in view of the fact that we are down to the last few days of this session. I hope we can come to grips with meeting the obligation we have to pass the Energy Policy and Conservation Act out of this body.

I yield the floor.

Mr. REID. Before the Senator from Alaska leaves the floor, I of course recognize the expert on our side of the aisle dealing with this legislation is the Senator from California, Mrs. BOXER. I want to say this because I am the one who objected to this. Following what the Senator from Alaska has said—and I have the greatest respect for him, and we work together on many issues—it seems to me we can resolve this very quickly. There is a companion bill, H.R. 2884, which already passed the House. We can bring it up here as it passed the House. It would go through very quickly. We believe that would take care of the immediate problems facing us—the home heating oil reserves and the Strategic Petroleum Reserve.

The problem we have, and the reason for the objection, is that to H.R. 2884 my friend from Alaska added some very—from our perspective—very controversial oil royalties, among other things. So we believe if the home heating oil reserve is as important as we think it is—and we believe it is extremely important—and if the Strategic Petroleum Reserve is as important as we think it is, we should go with the House bill. We can do that in a matter of 5 minutes.

Mr. President, I ask unanimous consent that under the time reserved to the minority on the continuing resolution, Senator DURBIN, who has been waiting patiently all afternoon, be recognized for 10 minutes, Senator BOXER be recognized for 30 minutes, Senator GRAHAM for 30 minutes, Senator HARKIN for 15 minutes, Senator FEINGOLD for 10 minutes, and Senator WELLSTONE for 5 minutes.

Mr. MURKOWSKI. Senator BINGAMAN and I have worked in a bipartisan manner on this legislation. I am sure Senator BINGAMAN would want to express his views. I encourage him to avail himself of that opportunity. It is my understanding that the administration supports the triggering mechanism in our bill as opposed to the one in the House bill specifically, and, as a consequence, we have worked toward an effort to try to reach an accord.

We are certainly under the impression on this side that we worked this out satisfactorily to the administration. But objections may be raised. Senators are entitled to make objections, but I hope they are directed at issues that clearly address environmental improvements.

I have nothing more to say other than this legislation is needed. We have a crisis in energy, and we had best get on with it. Otherwise, I think the problem is going to suffer the exposures, particularly since we won't have authorization.

I thank the Senator.

I see the Senator from California, who may be able to shed some light on this.

The PRESIDING OFFICER. Is there objection to the time agreement as proposed by the Senator from Nevada?

Without objection, it is so ordered.

Mr. REID. Mr. President, I don't think we need unanimous consent. The time is under our control. We can allocate it any way we desire.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that pursuant to the request of the minority whip, I will be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, 31 years ago, when I graduated from law school here in Washington, DC, my wife and I picked up our little girl, took all of our earthly possessions, and moved to the State capital of Springfield, IL. It was our first time to visit that town. We went there and made a home and had two children born to us there and raised our family.

So for 31 years Springfield, IL, has been our home. It has been a good home for us. We made a conscious decision several times in our lives to stay in Springfield. It was the type of home we wanted to make for our children, and our kids turned out pretty well. We think it was the right decision. Springfield has been kind to me. It gave me a chance, in 1982, and elected me to the House of Representatives, and then it was kind enough to be part of the electorate in Illinois that allowed me to serve here in the Senate.

I have come to know and love the city of Springfield, particularly its Lincoln history. I was honored as a Democrat to be elected to a congressional seat of which part was once represented in the U.S. House of Representatives by Abraham Lincoln. Of course, he was not a Democrat. He was a Whig turned Republican—first as a Whig as a Congressman and then Republican as President. But we still take great pride in Lincoln, whether we are Democrats or Republicans.

When I was elected to the Senate, their came a time when someone asked me to debate my opponent. They said it was the anniversary of the Douglas-Lincoln debate of 1858 which drew the attention of the people across the United States. Douglas won the senatorial contest that year. Two years later, Lincoln was elected President.

It seems that every step in my political career has been in the shadow of this great Abraham Lincoln.

In about 1991, I reflected on the fact that in Springfield, IL—despite all of the things that are dedicated to Abraham Lincoln, the State capital where he made some of his most famous speeches and pronouncements, and his old law office where he once practiced law, the only home he ever owned across the street from my senatorial office, just a few blocks away the Lincoln tomb, and only a few miles away Lincoln's boyhood home in New Salem—of all of these different Lincoln sites in that area, for some reason this great President was never given a center, a library in one place where we could really tell the story of Abraham Lincoln's life to the millions of people across the world who are fascinated by this wonderful man.

We had at one point over 400,000 tourists a year coming to the Lincoln home. I know they are from all over the world because I see them every day when I am at home in Springfield.

I thought: we need to have a center, one place that really tells the Lincoln story and draws together all of the

threads of his life and all of the evidence of his life so everyone can come to appreciate him.

In 1991, that idea was just the idea of a Congressman, and I tried my best to convince a lot of people back in Illinois of the wisdom of this notion. I worked on it here in Washington over the years. Once in Congress, people came along and said: Maybe it is a good idea. There should be a Lincoln Presidential center. We really ought to focus the national attention on this possibility.

We passed several appropriations bills in the House. Some of them didn't go very far in the Senate. But the interest was piquing. All of a sudden, more and more people started discussing this option and possibility.

I recall that in the last year of the Governorship of Jim Edgar in his last State of the State Address he raised this as a project that he would like to put on the table for his last year as Governor. He told me later that he was amazed at the reaction. People from all over Illinois were excited about this opportunity. He weighed in and said the State will be part of this process. His successor, Gov. George Ryan, and his wife Laura Ryan, also said they wanted to be part of it. The mayor of Springfield, Karen Hasara, asked that the State accept from the city of Springfield a parcel of real estate so they could build the center.

All of a sudden, there came together at the local and State level this new momentum and interest in the idea of a Lincoln Presidential library and a Lincoln center. I was energized by that.

Then, of course, the Illinois Congressional Delegation weighed in in support of it, and we have tried now to make a contribution from the Federal level toward this national project, which brings together local, State, and Federal sources in the name of Abraham Lincoln.

This Interior appropriations bill, of course, includes $10 million of a $50 million authorization for that purpose. I think that is a good investment and a very worthy project for which I fought for 10 years.

I am happy to have joined with my colleague, Senator FITZGERALD, who offered a bill which authorized this center. He offered this bill as a free-standing piece of legislation. I coauthored it with him. He added an amendment relative to the bidding process, and that amendment was adopted in committee. It was agreed to on the floor. It is my understanding that it is now going to be sent over to the House for conference. I was happy to stand with him in that effort.

But I think I would like to reflect for a moment on this project and to say a few words about the debate that has gone on today on the floor of the Senate.

The debate seems to focus on several different aspects of this Lincoln center. I cannot tell that it is in the best location in the city of Springfield. I didn't choose that location. I believed it wasn't my place to get involved. The minute this Lincoln center was suggested, people from all over Springfield who owned real estate came flocking to my door and reminded me of what good friends they were and asked me to pick their location for the Lincoln center. I said I wasn't going to do it. It shouldn't be a political decision. It should be a decision made in the best interests of the hundreds of thousands of people who will come and visit this location.

The location which they have chosen is in a good spot when you consider the restoration of the old railroad station from which Abraham Lincoln left for his Presidency, and the old State capital which was important in his life and to this new center. They create a campus that I think will be visited and enjoyed by a lot of people.

There was also a question about the design of the center. I am no architect or planner. I really defer to others. I know what I would like. I would like to put in my two cents worth. But I am not going to act as an architect, a planner, or an engineer. That is really a decision to be made by others. It should not be a political decision.

I think what Senator FITZGERALD said during the course of this debate is that the bidding process for this center should not be political either. I agree with him completely. I think he is on the right track.

As he and I have said in various ways, a center that honors ''Honest Abe'' should be built in an honest fashion. That is what we are going to try to do in Springfield, IL. Senator FITZGERALD and I have been in agreement to this point. I believe, though, that we may have some difference of opinion in how we are going to progress from here.

I, frankly, believe that trying to create a new bidding process for this center involving Federal rules may be difficult and may be impossible. What agency is going to do it? Who is going to implement these rules and regulations? How will this law apply? But I agree with him that whatever process we use—whether it is Federal, State, or some other means—that it should be one where competitive bidding is the absolute bottom line so that it is open and honest.

That is why I asked of the Capital Development Board in Springfield, which I believe will be the agency supervising this bidding, for a letter that expressly states that this process will be done by open competition and open bidding. I received that letter yesterday.

I ask unanimous consent that it be printed in the RECORD.

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

STATE OF ILLINOIS,
CAPITAL DEVELOPMENT BOARD,
Springfield, IL, October 3, 2000.

Hon. RICHARD J. DURBIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURBIN: This letter is an additional attempt to allay concerns that have been raised about our state's commitment to competitive bidding and the efficacy of our state purchasing laws. Let me assure you that all construction contracts for this library and museum are being and will continue to be competitively bid pursuant to state law that is at least as stringent, if not more so, than federal bidding requirements.

Competitive bidding has long been the requirement for State of Illinois construction contracts and was most recently reaffirmed with the passage of the stricter Illinois Procurement Code of 1998. Only six exemptions to that provision, which are defined by rule and must be approved by the Executive Director, exist:

(1) emergency repairs when there exists a threat to public health or safety, or where immediate action is needed to repair or prevent damage to State property;

(2) construction projects of less than $30,000 total;

(3) limited projects, such as asbestos removal, for which CDB may contract with Correctional Industries;

(4) the Art-in-Architecture program which follows a separate procurement process;

(5) construction management services which are competitively procured under a separate law; and,

(6) sole source items.

None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

With regard to the federal practice of ''weighting'' construction bid criteria, there is no similar provision in state law, because there is only one criteria allowed—our bids must be awarded to the lowest responsible bidder—period. While it appears to me that the federal government has taken the approach that it will determine the responsiveness of the individual bidders after bids are received, Illinois law actually requires that process to occur before bidding takes place. Construction companies are required to become prequalified with CDB before they can bid on construction projects. It is during the prequalification process that we determine a company's bonding capacity and assess their work history and level of experience through reference checks—in short, their ability to perform construction work.

All bids for a construction project are opened during publicly held and advertised ''bid opening'' meetings. All interested constructors are informed at that time of the bid amounts. There is no provision that allows CDB not to award to the low bidder.

I hope that this clarifies some of the issues that have been raised. Please do not hesitate to call on me if I may be of further assistance.

Sincerely,

KIM ROBINSON,
Executive Director.

Mr. DURBIN. Mr. President, this letter was sent to me by the executive director of the Illinois Capital Development Board, Kim Robinson. I don't know Kim Robinson personally. But she writes to me in this letter of October 3 that there are certain exceptions to competitive bidding under the Illinois State law. She lists all six of them, and then concludes:

None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

By that statement it is clear to me that there is going to be open competitive bidding on this project.

The point that was raised by Senator FITZGERALD earlier in the debate about qualified bidders is a valid one. Who will be bidding on this project? I do not know. Frankly, no one has come forward to me and suggested that they want to be bidding on this project. It wouldn't do them any good anyway. I am not going to make that decision. I haven't involved myself in the location or design. I leave that to others.

But I hope when this happens and bidders are solicited that it is an entirely open process as well. I will guarantee that there will be more attention paid to this bid for this project in Springfield, IL, than probably anything in its history.

I credit Senator FITZGERALD for bringing that attention forward. But let us proceed with the premise that it is going to be a transparent process. And let us make certain that as it progresses we will have at least an opportunity to assess it every single step of the way.

I also add that during the course of his statement today my colleague has raised questions about previous bidding processes by Governors in the State of Illinois.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. Mr. President, questions have been raised by Senator FITZGERALD about the bidding processes under Governors in the State of Illinois. For the record, there has not been a Democratic Governor in the State of Illinois for 24 years. So if he is suggesting that there have been irregularities under Governors, it is likely that they have not been of my political party. I can tell you without exception that I have never involved myself in any bidding process in Springfield by the State government. I have considered my responsibilities to be here in Washington and not in the State capital. Frankly, the people who bid on contracts and whether they are successful is another part of the world in which I have not engaged myself. I am not standing here in defense of any of these bidding processes, or making excuses for any of these processes. If there was any wrongdoing, then let those in appropriate positions investigate that and come to conclusions. Whether there was any reason for any kind of prosecution or investigation, that is not in my province nor my responsibility.

I hope at the end of this debate we can remove any cloud on this project. This project should go forward. The Illinois congressional delegation supports this project. Let us demand it be open and honest, and then let us support it enthusiastically. Frankly, I think we all have an obligation to taxpayers—Federal, State, and local alike—to meet that goal.

I close with one comment because I want to be completely open and honest on the record. My colleague, Senator FITZGERALD, during the course of the debate has mentioned the Cellini family of Springfield. The Cellini family is well known. My wife and I have known Bill and Julie Cellini for over 30 years. We are on opposite sides of the political fence. He is a loyal Republican; I am a loyal Democrat. Seldom have we ever come together, except to stand on the sidelines while our kids played soccer together or joined in community projects. They are friends of ours. I have taken the floor of the Senate to note that Julie Cellini is an author in our town who has done some wonderful profiles of people who live in Springfield.

I make it part of this record today, when I came up with the original concept of this Lincoln center, there were three people who came forward and said they were excited about it and wanted to work with me on it. This goes back 10 years now. They included Susan Mogerman, who works with the Illinois State Historical Library, as well as Nikki Stratton, a woman involved in Springfield tourism, and Julie Cellini. These three women have worked tirelessly for 10 years on this project. I never once believed that any of them would be involved in this because they thought there was money at the end of the rainbow. I think they genuinely believe in this idea and they believe it is good for Springfield and good for the State of Illinois.

I can't speak to any other dealings by that family or any other family, but I can say every contact I have had with those three women and their families about this project has been entirely honorable, entirely above board, and in the best interests of civic involvement for an extremely important project, not only to our city of Springfield but to the State of Illinois and to the Nation.

I hope when this is all said and done, this delegation can come together, closely monitor the bidding process, do everything in our power to help make this center a reality, and at the end of the day I hope we will be alive and be there at the opening of this great center.

I was honored a few months ago by our Democratic leader, TOM DASCHLE, to secure a spot as a member of the Abraham Lincoln Bicentennial Commission. I can think of few higher honors than to work and celebrate the life and accomplishments of one of the world's greatest leaders. The actual bicentennial will not be fully celebrated until 2009. This legislation is a great first step in a celebration of the life and accomplishments of a great President.

Mr. FITZGERALD. Will the Senator yield?

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

Mr. FITZGERALD. I compliment my colleague, my friend from Illinois. Extending my time line further, I started in 1998. There are a lot of articles going back to the early 1980s when Senator DURBIN—then Congressman DURBIN—was working hard to get this project off the ground. I compliment him for his hard work over a number of years on behalf of this project.

I appreciate his love for Springfield. Senator DURBIN has talked many times at our weekly Thursday morning breakfast about his love for Springfield. I know that he and his wife Loretta have lived in Springfield for many years. I am hopeful that we can work together and build a wonderful Abraham Lincoln Library that will truly be a credit not just to Springfield but to the whole State of Illinois and the entire country.

I also thank Senator DURBIN for his support and the amendment he offered in the Senate requiring the Federal competitive bid rules. Senator DURBIN has been very supportive and the whole Illinois delegation supports the project. There has simply been a difference of opinion as to which bidding rules should be attached.

I did want to point out that the State code does contemplate, where Federal strings are attached, Federal appropriations, that State agencies receiving Federal aid, grant funds, or loans, shall have the authority to adapt their procedures, rules, projects, drawings, maps, surveys, and so forth, to comply with the regulation, policy, and procedures of the designated authority of the U.S. Government in order to remain eligible for such Federal aid funds.

I think that provision would be helpful in the case of this grant or any other grant where the Federal Government seeks to ensure the proper accountability of the Federal funds.

I compliment my colleague and thank him for his working and allowing me to make my views known. I look forward to continuing to work with the Senator this year and in following years.

Mr. DURBIN. I thank Senator FITZGERALD.

In closing, you know your senatorial lineage is traced to Steven Douglas, and I checked the history of the Senate. I am afraid he is on our side of the aisle, and he traced himself to my seat. You have some distinguished senatorial colleagues who proceeded you, and I am certain you are very proud of them as well.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

Mrs. BOXER. It is my understanding I now have 30 minutes.

The PRESIDING OFFICER. The Senator is correct.

ROYALTY PAYMENTS

Mrs. BOXER. I am pleased to come to the floor today to try to shed a little light, if not a little heat, on an issue that was raised by the Senator from Alaska, Mr. MURKOWSKI, when he asked unanimous consent that we take up H.R. 2884, but substitute his amendment to that bill, and pass it. The unanimous consent request was made by the majority leader on behalf of Senator MURKOWSKI. He came to the floor with a very eloquent discussion of why he believed it was important.

I am one of the Senators—there is more than one—who objects to this bill. I think it is very important to state clearly on the record why. First, H.R. 2884 as it came over from the House does exactly the right thing. It reauthorizes the Strategic Petroleum Reserve, and it sets up a home heating oil reserve. That is very important for the people of this country, particularly the people in the Northeast. We could pass that in 1 minute flat by unanimous consent request. No one has any problem.

What is the problem, my friends? Senator MURKOWSKI has essentially added to that bill a whole new body of law concerning royalty payments by the oil companies, which they owe the taxpayers of the United States of America. It deals with the ability of the oil companies to pay, not in cash—which is essentially the way they pay now—but in kind. It would encourage, by many of the provisions in it, the payment of these royalty payments in kind. In other words, Uncle Sam would become the proud owner of natural gas, Uncle Sam would become the proud owner of oil. And, by the way, Uncle Sam would then have to in some cases market that product.

I don't think we are good at becoming a new Price Club. I really don't. My friend from Alaska says: But the Government wants to do it, they want to do it. They came to us; they asked us; they want to do it. Show me one bureaucrat in Government who doesn't want more power, more authority, more jobs, and I will show you a rare bureaucrat.

The royalty payments that come into this Federal Government go to the Land and Water Conservation Fund. Let me be clear what a royalty payment is. When you find oil on Federal land offshore and onshore, you must pay a percentage of that to the taxpayers. It is like rent. You are using the taxpayers' land, the offshore areas, and you have to pay a certain amount of rent based on the value of the oil or gas you recover.

This is an area that has been fraught with complication and difficulty. I frankly have found myself on the side of the consumers who have said they have been shortchanged by the oil companies. I believe that those of us who fought for 3 long years for a fair royalty payment did the right thing. Why do I say that? Because under the old system there have been lawsuits and almost in every case—I do not even know of any case where we did not prevail on behalf of the taxpayers.

I hear today that the Federal Government has collected, because there have been some recent settlements, almost a half a billion dollars of payment from the oil companies. Do you know why? Because they have been cheating the taxpayers out of the royalty payments that they were supposed to make based on the fair market value. One of the ways they have cheated the taxpayers is to undervalue the oil. If you are in beginners math, you know a percentage of a smaller number will yield yet a smaller number. So they did not do the proper math. They didn't show what the oil was worth. They undervalued the oil and then they took a percentage of the undervalued oil and gave it to the taxpayers and we were shorted a half billion dollars—maybe more. That is just the recent settlement.

So after 3 years of fighting—and, believe me, I had to stand on my feet and fight long and hard, and so did a lot of my colleagues, and I thank them—we were able to make sure that a fair way of determining the fair market value of that oil was put in place.

In the middle of all this comes the payment-in-kind program. In other words, instead of paying cash, we say to the oil and gas companies we are going to try an experiment. We are going to try a pilot program. We are going to allow you to pay your royalties in kind. That is like if you owed the Government your income taxes and said: Uncle Sam, I'm short. Will you take the payment in, say, my mother's antique chest? That's worth about $1,000 and that's what I owe.

By the way, we do this with no other commodity. We have checked the records. We say to them something we say to no one else who owes the Federal Government: You can pay your dues, your royalty payments, in kind.

I have a lot of problems with that. A lot of my colleagues think it is just great. But, again, it is my experience that we do not do too well in the business world in government. We are better off doing our work here, getting that straight. Now we are going to expand. It is going to be Uncle Sam's Oil Company; Uncle Sam's Gas Company: Drive in and fill her up.

Of course I am exaggerating; it will not be exactly that. What we will do is market the product and sell it and probably pay the oil companies to do all that marketing for us so they will get back plenty of money. We will wind up paying them to market their product. This is a very confusing matter.

So what happens? Without one hearing in the Energy Committee, we have before us a substitute bill that I have objected to and others have objected to that would essentially say, regardless of all the work, Senator BOXER, that you and many of your colleagues went through to get a fair royalty payment, we are going to come around in the backdoor when nobody is looking and we are going to put in a new way to figure out how to pay royalties. We are going to expand this payment-in-kind program even before we have held one hearing on whether it even works. The pilot programs are going to be completed very soon, in about 3 or 4 months, at least one of them. Another one will be done next year. What is the rush to pass a 5-year authorization on royalty payments in kind? What is the rush? Is that the way to govern? Is that the way to legislate?

No other industry in America gets this chance. I say, if you read the substitute offered by my good friend, Senator MURKOWSKI, you are going to find a few things in there that are going to raise your eyebrows.

In the very first draft, they set up another definition of ''fair market value.'' I protested. They dropped it. Now it just says the royalty in kind has to be paid in a fair market value, but it doesn't define it. It doesn't do what the rule does for the in-cash payments. So now you have two conflicting ways, one way that is clearly defined if you pay in cash and one way that is open to interpretation, fair market value—whatever that means—for the payment in kind.

Do you know what I see? Again, you don't have to be an expert in economics. I was an economics major, but that was so many years ago I don't pretend to be an expert. But if I say to you, ''fair market value,'' you are going to say, ''I think that is a willing buyer and a willing seller.''

If I ask Sarah here, who has worked so hard on this, she is going to say: I think that is a little risky because the seller might be a subsidiary of the buyer. That is not arm's length. It has to be an arm's length agreement.

Somebody else might say: Forget that. Let's just go to the published newspaper in terms of what the oil is selling for on that date.

Frankly, that is the one I like. That is the one we use in the definition when you pay royalty in cash.

The first problem is you are setting up a whole conflict here. I will tell you, those guys with those sharp pencils who are in the oil company, they are going to go for payment in kind because there is not any real definition. They are going to give us less oil and less value than we would get.

So then you say to my friend, Senator MURKOWSKI, let's at least put in this legislation a statement that says: Under no circumstances should we get less than we would get if it was payment in cash because, again, this money goes to the Land and Water Conservation Fund, which is our conservation fund. We buy lands with it. We fix up parks with it. And the State share—because States get a share of the royalty payment—that goes to the California classrooms.

Are they going to send oil to the California classrooms? Are they going to send natural gas?

So we said: Look, we have to work out these problems with the States. In any case, we can't have less of a payment than we would have if you paid in cash. So we said: Will you put that in the language? ''Under no case will we get less than we would get if we got payment in cash.''

Oh, no, they use the word ''benefits,'' not revenues. The benefits have to be equal or greater.

I said: Wait a minute. What does that mean?

Well, the Secretary will decide if there is a benefit.

Let me tell you I have seen Secretaries of the Interior come and go. I saw one who said: Don't worry about the ozone layer leaving us. Don't worry about a hole in the ozone layer; just wear a hat and put on sunscreen. Don't worry about cancer. That was one Secretary of the Interior.

So in this 5-year authorization that never had a hearing, before the pilot programs are through, we are leaving all this up to the Secretary of the Interior, whoever he or she may be.

We have seen Secretaries of the Interior who fought on behalf of the environment. We have seen Secretaries of the Interior who fought on behalf of big oil. I am not here to give authority to the Secretary of the Interior to decide when it is in the benefit of the United States to take less than what you would get if you received a payment in cash.

I understand from Senator MURKOWSKI's staff that he feels strongly about this and he is not going to back off. He is going to file a cloture motion and all the rest of it. That is fine. We will stay here past the election because I am going to stand on my feet because I don't think the taxpayers ought to be ripped off again. They have been ripped off for years. We finally resolved the situation, and we are now back to square one.

Again, I reiterate, the underlying bill that came over from the House is a beautiful bill.

It deals with two things which we need to do: We need to fill up the Strategic Petroleum Reserve and reauthorize it, and we need a home heating oil reserve. I will say we are told by the administration that they actually can act on this without this legislation, but it certainly would be better to have it.

I say to my friend, Senator MURKOWSKI—and I will not do it now in deference to the fact he is not here—I would like to move the underlying H.R. 2884 as it came over here and pass it 5 minutes a side. We can do it if we did not add all this royalty in-kind section to it.

The last point I wish to make on this subject is, in the Interior bill that is now before the Senate, we have already taken care of this problem. The Minerals Management Service came to us and said: We need a little help with the pilot program because we really want to make sure we are giving payment in kind every chance. The Minerals Management Service wants to go into the oil business. That is great. They want to be the Price Club of the United States of America. So they want help. OK.

We took care of them in this Interior bill. We gave them what they wanted. We allowed them to calculate this royalty in a way that they can subtract the cost of transportation, even subtract the cost of marketing oil. The oil companies get a good deal. Senator MURKOWSKI wants a 5-year authorization without one hearing. He wanted to pass it by unanimous consent, no amendments, nothing.

I may sound upset, and it is true, I am upset because I think the consumers get a raw deal. Every time we have a little problem with an energy supply, what do we hear around this place? Drill in ANWR; let the oil companies pay lower royalties, and meanwhile the oil companies are earning the biggest profits they have ever earned, causing Senator PAT LEAHY of Vermont to come down here and propose a windfall profits tax on the oil companies. But it is not good enough for them to earn $1 billion and $2 billion in a quarter—in a quarter—to have 100-percent profits and 200-percent profits and 300-percent profits. They have to pay us less in royalties. If you knew what this amount was—it is so minuscule compared to their profits—it would shock you.

It is not minuscule to the child who sits in a California classroom. It is not minuscule to the Land and Water Conservation Fund or the Historic Preservation Fund, but yet here we are when we should be doing energy conservation, when we should be having a long-term energy plan, the first thing we do, because the Senator from Alaska attaches it to an important bill, is give a break to the oil companies again with these royalties in kind.

Boy, I tell you. Maybe the Senator from Florida will be interested to know this. There is not any other business in America that pays in kind. It would be interesting if you had to pay your IRS bill and you said: I have a few extra things around the house I am going to send in.

It is hard to believe we would have an authorization to really expand the payment-in-kind program without one hearing. I am stunned. It is taken care of in the Interior bill. We gave them a narrow bill. We did not mess with the definition of how you are supposed to pay, what you are supposed to pay. We did what the Interior Department wanted.

If this is going to a cloture vote, I tell my friends, so be it. I have other friends on this side of the aisle who agree very strongly, and we are going to stand on our feet and it is not going to be pleasant, it is not going to be happy, but we are going to have to do it, and let us shine the light of truth on the whole oil royalty question.

They are going to get up and say: Oh, it's the mom and pop little guys. Fine, let's do this for the mom and pop little guys. I will talk to you about that. But do not give the biggest companies—these are multinational corporations making excess profits—another break, and suddenly Uncle Sam goes into the oil business and the gas business.

This whole issue of an energy policy is important. It came up in the debates, and what we heard from the two candidates was very different. George W. Bush had one energy policy and one energy policy alone, and that is more development at home. By the way, we have had a lot more oil development here—and I am going to put that information in the RECORD—since Clinton-Gore came in. But they want to go to a wildlife refuge and drill in a wildlife refuge.

The No. 1 goal of environmentalists in this country is to protect that wildlife refuge. They want to drill in it, and you say: Senator BOXER, how much oil is in there? The estimate is about 6 months of oil. Period. End of quote. Forever. Some say if you got every drop out of it, it could go for 2 years, but that is the outside; most people think it is 6 months.

To me that is a contradiction in terms. We have to figure out a better way. I will give you a better way. We can save a million barrels of oil a day—a million barrels of oil a day—if we just say the SUVs should get the same mileage as a car. A million barrels of oil a day, and yet when that comes up, people duck for cover around here.

How have the President and the Vice President tried to have an energy policy? First of all, since they came in, oil and gas production on onshore Federal lands has increased 60 percent, and offshore oil production is up 65 percent since they came in, while they are protecting the most vulnerable offshore tracts, off California, off Florida, and other pristine places. We have seen a huge increase there.

They worked to bring an additional 3.5 million more barrels per day into

the world oil market. They have taken measures to swap 30 million barrels of oil from the Strategic Petroleum Reserve, and this will help the Northeast not have a repeat of last year's home heating oil shortage. We know it was Vice President GORE who pushed for this, frankly, along with a couple of Republicans and Democrats in the Congress, and it seems to be working. We hope it will.

They supported alternatives to oil and gas, such as ethanol, a renewable resource made from feedstock such as corn, and increasing ethanol use would help reduce dependence on foreign oil. It would help our farmers by boosting corn prices, and since ethanol can be made from waste, such as rice straw, waste straw, trimmings and trash, the greater use of ethanol can turn an environmental problem into an environmental benefit. In other words, it would take trash and turn it into energy. That is a plus.

The other half of the administration's energy policy is to improve energy efficiency. I think it is very important to look at the record here. Having told you that if we go to the Arctic National Wildlife Refuge, we will only get 6-month's worth of oil, what is the answer? Let's see what the facts show.

The administration supported a tax credit to promote alternative sources of energy—solar, biomass, wind, and other sources. The Republican Congress said no.

The administration recommended tax credits for electric fuel cell and qualified hybrid vehicles. It was a 5-year package of tax credits. The Republican Congress said no.

The administration advocated a tax credit for efficient homes and buildings. The Republican Congress said no.

The administration recommended tax incentives for domestic oil and gas industries. The Republican Congress said no.

The administration requested $1.7 billion for Federal research and development efforts to promote energy efficiency in buildings, industry, and transportation, and expanded use of renewable energy and distributed power generation systems. And the Republican Congress partially funded that program.

The administration requested $1.5 billion for investments in energy R&D for oil, gas, coal, efficiency, renewables, and nuclear energy. What was the answer of the Republican Congress? No. And they introduced legislation to abolish the Department of Energy. That is a great answer.

George Bush is saying we have no energy policy, and most of his party said: Do away with the Department of Energy. That was at a time when oil prices were low. They said: We don't need it. That is some policy.

It goes on.

The administration requested $851 million for energy conservation for the Department of Energy. The request was cut by $35 million.

They requested money to continue the Partnership for a New Generation of Vehicles. That was cut in half by the Republican Congress.

They requested $225 million for building technology assistance funding. That was cut.

They asked for $85 million to create a new Clean Air Partnership Fund to help States and localities reduce pollution and become more energy efficient. The Republican Congress said no.

It goes on.

The administration recommended studying increases in the fuel economy of automobiles. We know that 50 percent of the cause of our energy dependence is automobiles. What did this Republican Congress do? It prohibited the administration from even studying the increases in fuel economy standards in a rider to the appropriations bill.

So now we have the Republican standard bearer standing up in a debate saying: Where is your energy policy? There were 20 initiatives. I have only mentioned part of those. And they said no to the vast majority of them, and they said, OK, we will give you a little bit for a few.

It seems, to me, disingenuous—and that is the nicest way I can say it—to be critical of Vice President GORE, saying he has no energy policy, when every single proposal, except maybe a couple, was turned down with a vengeance.

Then, when we have a problem, our friends on the other side come down and say: You see the other side, they care about the environment too much. They will not drill in a wildlife refuge.

I say, thank you for mentioning that because if there is anything I want to accomplish here in the short time that any of us has in the scheme of things, it is to protect this magnificent area.

I wish we could join hands across party lines on energy. I say to the Presiding Officer, we have worked together in the Committee on Public Works. We have worked, for example, on ways to replace MTBE in a good way. We have worked on ways to make sure that we do not rob the States of their transit funds. I think we can do this. I do not think it is fair, however, for the candidate of the Republican Party to accuse the Vice President, who has proposed numerous ways, both on the production side and on the demand side, to resolve the problem, and say, there is no energy policy, when time after time after time it has been thwarted in this very body and in the House.

I remember when I first went into politics—a very long time ago—we had an energy crisis. At that time, we realized our automobiles were simply gas guzzlers. I remember. They used to get 10 miles to the gallon, 12 miles to the gallon. I am definitely showing my age when I admit that. I remember that. And now we are doing better, but we can do better still.

I say to you that rather than go into a pristine and beautiful wildlife refuge—which we really owe to our children and our grandchildren and their kids; we owe them the preservation of that area—rather than do that, we could take a few steps here that can really make us so much more energy efficient, that we will be proud to say to our children and our grandchildren that we took a few steps. We did not inconvenience anybody.

Our refrigerators do a little bit better on energy use, our dishwashers, and our cars. I say to my own kids, who are at that age when they love those cars—I have a prejudice against those big SUVs because it is hard for me to climb into them. The bottom line is, they are very nice, but we can do better for our Nation and not be dependent on OPEC.

Fifty percent of our problem has to do with transportation. So we do not have to say: Oh, my gosh, we have a problem. Drill in a wildlife preserve. Oh, my gosh, we have a problem. Destroy the coast of California; ruin the tourism industry; ruin the fishing industry; risk oil spills. We do not have to go there.

We were sent here to find better ways of solving problems. Having an energy policy is important, but it takes two to tango. The Congress cannot do without the President, and the President cannot do without the Congress. The President proposes and Congress disposes. Unfortunately, they disposed of almost every single idea this administration had. We are suffering the consequences. So the issue is brought up at a Presidential debate, when people are pointing at each other, and we right here had a chance to do much better.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. I thank the Presiding Officer. This was a chance for me to explain my vociferous opposition to the substitute offered by Senator MURKOWSKI and to talk about an energy policy. I appreciate your patience, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to take 6 minutes of the leader's time to speak as in morning business on the continuing resolution.

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

Mr. BINGAMAN. Mr. President, I want to briefly describe my own thoughts on this royalty-in-kind issue.

First, let me say, the Senator from California, and, before her, the Senator from Alaska, talked about a great many issues related to our energy situation. I do not have the time and I

have not come to the floor prepared to address all of those. I generally agree with the Senator from California that we need a balanced energy policy. We need to not only do things to increase supply, but we also need to reduce demand in this country. We have fallen short in that regard.

I have proposed legislation, which the administration strongly supports, much of which the Senator from California referred to, that I believe would help us to reduce demand and also help us to increase production. I am sorry that we have not been able, as a Congress, and as a Senate, to bring that up for consideration this year. I hope we still can before we adjourn, but the days are growing short.

Let me speak for a minute about the particular bill and the royalty-in-kind issue.

As I understand it, the action which started this discussion was an effort to move to H.R. 2884. This is the House version of EPCA. EPCA stands for Energy Policy and Conservation Act.

That is an important piece of legislation. It reauthorizes the Strategic Petroleum Reserve. It sets up a heating oil reserve in the Northeast, about which many feel very strongly. It does a variety of things. It gives the Department of Energy authority to pay above-market prices for production from stripper wells in order to fill the Strategic Petroleum Reserve when the price of oil falls below $15 a barrel. It does other things on the weatherization grant program. It has some useful provisions and contains a variety of other things.

It also contains a provision that the Senator from Alaska has strongly supported, and is intent upon keeping in the bill, on the subject of royalty in kind.

Let me explain my thoughts on that.

The Congress—for several Congresses now—has spent a lot of time arguing about, How do you determine what the royalty ought to be when the Federal Government allows for production of oil and gas on Federal lands? What amount of money is owed to the Federal Government?

We all know it is 12.5 percent; it is one-eighth. But how much is that in dollars? There is a lot of litigation on that subject. There has been, for a substantial period of time, a lot of debate on the subject.

The Federal agencies which manage our Federal oil and gas resources indicate that in certain circumstances they believe the United States has the opportunity to realize more money by actually taking its one-eighth in royalty in kind; that is, actually taking that royalty in the form of oil or gas instead of receiving it in cash.

The thought is that there is more of a benefit to the Government in some circumstances. Existing law authorized the Department of Interior to do that very thing. But under this authority, the Mineral Management Service, MMS, which is part of the Department of Interior, has conducted several very promising pilot programs on this subject of royalty in kind. Two of the latest of these involve Federal onshore oil, conducted in cooperation with the State of Wyoming and offshore gas in the Gulf of Mexico. Those are two examples.

Early indications from both of these are that these pilot programs will result in greater revenue for the United States and for the taxpayer than would have been received had the oil and gas been taken in value, had the Government been paid dollars instead.

As an example, the thought of the Senator from California, as I understood it, was that there is something unfair to the Government by having the Government take its oil or its gas in kind. An analogy which we might think about is if the Government were owed one beer out of a six-pack, would it make more sense for the Government to take that beer or would it be better for the Government to go through a lengthy process of trying to establish the value of that one beer once it considered the cost of transporting the six-pack and the cost of storing it and all the other things. And in some circumstances, as I understand it, the Department of Interior, through this Minerals Management Service, has determined that it is in their interest to go ahead and take the royalty in kind instead of trying to calculate and argue about the price of it.

Based on these programs that have been in place, MMS, the Minerals Management Service, has determined that it could conduct a more efficient program, one that would be more likely to result in increased revenues, if it were able to pay for contracts for transporting and processing and selling the oil and gas it takes from Federal leases. Existing authorities allow the MMS to enter into contracts for these services but do not provide a way for them to pay except under general agency appropriations.

The amendment the Senator from Alaska has offered and I have cosponsored grants to the Department of Interior authority to use the money it makes when it sells oil and gas it takes in kind to pay for the expenses incurred in preparing it for sale, including its transportation, processing, aggregating, storing, and marketing. There is a 5-year sunset on this.

The amendment adds to existing law some very substantial protections for the Government and for the taxpayer.

It requires the Department to stop taking royalties in kind if the Secretary of Interior determines that it is not beneficial to the United States to take royalty in that form.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional 2 minutes from the leader's time.

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

Mr. BINGAMAN. It also requires that the Department report extensively to Congress on how the program is going. None of these requirements exist in current law. The royalty-in-kind provision in the Interior appropriations bill does not have these protections. This very bill we are getting ready to vote on in the next few days, the Interior appropriations bill, does grant authority to the Department to take the Federal Government's royalty in kind, but it does not have the protections that are in the amendment the Senator from Alaska and I are cosponsoring.

While 1 year is better than nothing, which is the Interior appropriations language—the Department clearly supports that provision in the Interior appropriations bill—a 5-year authorization gives the agency enough time to actually enter into contracts it would need to seriously test the workability of this program.

I wanted to clarify my own views at least as to what this provision would do. The Energy Policy and Conservation Act is important legislation. I hope we can resolve this dispute and get the legislation up for consideration in this Congress.

I do support the royalty-in-kind provision the Senator from Alaska and I have cosponsored. It will be beneficial to the Government—not to the oil industry but to the Government. It would be a win/win situation, and I do not see it as in any way breaking faith with the American taxpayer.

It would be good public policy for us to go ahead with this. I hope we can do so before the Congress adjourns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe by previous order, I have 30 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I am here today in support of my colleague from Louisiana and to express my dismay at the content of the Interior appropriations conference report which we are considering. Senator LANDRIEU knows better than each of us the amount of work, dedication, and focus it took to produce the widely and wildly supported legislation, the Conservation and Reinvestment Act, or CARA, which has passed the House, passed the Senate Energy and Natural Resources Committee, and now awaits Senate floor action.

We have a unique opportunity before us in this session of the Congress: the ability to enact conservation legislation that will have a positive impact not just for ourselves but for our children and grandchildren, long after we have left this Chamber.

This opportunity is in the historical mainstream of the United States of America. We are starting a new century, the 21st century. It is the third full new century that has been started since the United States of America became a sovereign nation.

The first of those full centuries was the 19th century. We were led into the 19th century by one of our greatest Presidents, whose bust is above the Presiding Officer, Thomas Jefferson. Thomas Jefferson had a goal, a goal to acquire the city of New Orleans, which ironically is the home of Senator LANDRIEU. The purpose was to secure water transit on the Mississippi for American commerce, as it was developing in the Mississippi Valley, the Ohio Valley of the Presiding Officer, and later in the Missouri River Valley.

President Jefferson suddenly had a unique opportunity before him. While his negotiators were discussing with the French, the then-owners of New Orleans, the purchase of that city, they were met with a counter offer. Don't just buy New Orleans; buy the entire Louisiana territory.

President Jefferson seized this opportunity and fundamentally transformed the United States of America. No longer were we an Atlantic nation. We were a continental nation. No longer were we a nation in which Americans were quickly using up their original land; we were a nation that had an enormous new area to develop.

America suddenly had also been saved from the prospect of North America becoming a battleground for European rivalries because, with Louisiana in hand, the United States would be the dominant force in North America and would not have to contend with the prospect of the English, the French, the Spanish, and other Europeans attempting to settle their long animosities on our territory.

That was a truly bold idea, an idea that led us into the 19th century and has forever transformed our Nation.

We began the 20th century with another similarly bold leader, Theodore Roosevelt, whose bust is just outside the main entrance to the Senate Chamber.

Theodore Roosevelt had an idea that America should become a place which respected its natural heritage. So in his almost 8 years as President, he added to the national inventory of public lands an area that is the size of all the States which touch the Atlantic Ocean from Maine to Florida—an enormous contribution to our patrimony which, again, has served to transform both our idea of America and our access to America.

We had an opportunity to start the 21st century with an idea which, if not of the scale of either the Louisiana Purchase or Theodore Roosevelt's commitments to public lands, would have been a statement that our generation still recognized its obligation to prepare for the future, as those two great leaders had done.

That was what the Conservation and Reinvestment Act was about—to take a portion of the Anglo revenue, which the United States receives from Outer Continental Shelf drilling, and invest those funds in a better America for our future generations.

I submit that this opportunity for a bold, grand idea in the tradition of Jefferson and Roosevelt—an idea that could have come close to being a legacy—is now, in fact, sadly a travesty, a mere shadow of what could have been. I suggest that there is no more inappropriate time for us to turn timid and retreat from what could have been. When Theodore Roosevelt became President of the United States in the early part of the 20th century, the United States had a population of approximately 125 million people. By the end of the 20th century, the United States has a population of 275 million people.

The U.S. Bureau of the Census projects that by the year 2100—100 years from today—the population of the United States will be 571 million Americans. It is our obligation—as it was Thomas Jefferson's and Theodore Roosevelt's and those who supported their vision of the future—to begin the process of preparing for that next America that is going to arrive in the next 100 years. That next America has to be our grandchildren. They are the people who are going to make up the 571 million Americans in the year 2100. It is possible that some of the young people who are here with us today may live through this full century and experience what that new America is going to be like. How well we are preparing for that new America is being tested by what we are doing today. I am sad to say that in the retreat from providing for an ongoing, significant source of funding to provide for the variety of needs of that new America, we are failing the next America.

Like the occupant of the chair, I have served as Governor of a State. I believe one of the most lamentable aspects of this failure is the way in which we have treated States. States are our partners in this great Federal system. Probably of all the contributions the United States has made to the theory of government, none has been as significant as the concept of federalism: That we could have within 1 sovereign nation 50 States that were sovereign over areas of their specific responsibility, and that in many areas those sovereignties would merge in respectful partnerships in order to accomplish goals that were important to the citizens of an individual State but also important to all Americans.

Many of the programs that were the objective of the CARA legislation were in that category of respectful partnerships between the Federal Government and the State. For those respectful partnerships to be effective, in my judgment, there are some prerequisites. One of those prerequisites is that on both sides of the partnership there must be sustainability, predictability; both partners must bring to the table the capacity to carry out their mutually arrived at plans and visions.

The CARA legislation, as it was passed by the House of Representatives—I might say by an overwhelming vote—and voted out of the Senate Committee on Energy and Natural Resources, had such a vision because it would have provided through this source of funds of the Outer Continental Shelf a guaranteed source of revenue to meet the Federal side of that respectful partnership with the States in everything from urban parks to historic district redevelopment, to the development of urban forests—a whole array of needs which our growing population requires.

With that assured source of financing, there could have been some other things accomplished. One would have been good, intelligent planning as to how to go about using public funds to the greatest benefit. Part of that planning would have been to have set priorities in which people would have had some confidence. When you say priorities, by definition, you are telling some people they are at the absolute front of the line, other people are a few spaces back, and some are toward the end of the line.

But if those who stand in line believe their turn in fact will come if they are patient and, if they do the planning that is asked of them, they will finally receive their reward through Federal participation in funding, I am afraid that what we have just done is lost that opportunity because of what we have in the conference report of the Department of the Interior. Under title VII, the land conservation, preservation, and infrastructure improvement title, which is offered to us as the substitute for CARA, we have this language:

> This program is not mandatory and does not guarantee annual appropriations. The House and the Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein.

So we have no respectful partnership, and therefore we have no reasonable expectation that the kind of goals that were at the heart of the CARA program will in fact be realized. I suggest that our partners in the States who, from virtually every organization that represents State interests, had advocated passage of the CARA legislation will find this to be a particularly disappointing and sad day.

In addition to the fact that we are squandering the opportunity that

comes with the enthusiasm of the new century, in addition to the fact that we are failing to meet the challenge for the new America, which will occupy this great Nation in the next hundred years, and in spite of the fact that we have acted in an arrogant and disrespectful way to our partners, the States, there is yet another tragedy in what is being proposed. That tragedy is our national parks.

On July 25, 2000, the Senate Energy Committee passed its version of the CARA bill, containing what I consider to be one of its most important aspects—the national park protection fund. This fund would provide $100 million in assured, guaranteed funding for the parks for 15 years, $100 million a year, for the purpose of natural, cultural, and historic resource preservation and restoration. This was a critical section of the bill. It was mirrored after a bill which I introduced in April of 1999. During our markup in the Energy Committee, I supported this section. I did believe that it should have included even more money to adequately address the needs of our national parks.

I might say in that view that I was joined by a number of members of the Energy Committee who advocated a more significant commitment to the protection of our national parks. I am blessed to say that since this bill was reported by committee, we have had even another ally join in this effort. We have had the Republican candidate for President of the United States, Gov. George W. Bush. Governor Bush, on September 13 of this year, stated that he would commit to spend $5 billion on maintenance of the national parks over the next 5 years ''to renew these national treasures and reverse the neglect.''

We are rejecting the advice and recommendation of the Governor of Texas, the Republican nominee for President of the United States, with this legislation because what it provides for national parks maintenance is only $50 million for 1 year. Fifty million dollars for 1 year is all we are going to be voting for if we accept this conference report—not the $5 billion over 5 years that Governor Bush has wisely recommended we invest in the restoration and revitalization of the great national treasure of our national parks.

The conference report today takes a tremendous step in the opposite direction in terms of a commitment for the rejuvenation of our national parks. It is wholly inadequate. I rise today to plead for our national parks.

As Senator LOTT said at a press conference in support of the CARA legislation earlier this year, even Kermit the Frog supports this bill. To borrow a phrase from America's favorite frog, ''It's not easy being green.'' It is also no simple matter maintaining the beautiful pinks and rich browns of Utah's canyons, the bright reds and oranges of Virginia's leaves in the fall, and, of course, the myriad colors that comprise America's Everglades. It is not easy. But it is critically important. It is our responsibility.

The parks tell the story of what and who we are and how we came to be. They contain the spirit of America. Maintaining these national treasures takes commitment to conservation and environmental preservation. That commitment takes money—reliable, sustainable, predictable money—in order to be able to undertake the kinds of projects which are necessary to preserve our great natural and cultural heritage.

There are many examples I might use to demonstrate this necessity for a sustained, reliable source of money to protect our heritage. Let me just use one that I have had the occasion to visit twice in the last few months; that is, Ellis Island.

Ellis Island, as we all know, is the place through which some 15 million persons seeking the freedom and liberty and opportunity of the United States first entered our country. It is a site which is seeping with the history of America. It is a site which is composed of about 40-some buildings, including the first public health hospital in the history of the United States; it is on Ellis Island.

You may have seen some television programs which were broadcast from Ellis Island that show a series of buildings which have been renovated to their 19th century style with brilliance and beauty. Unfortunately, what you do not see are the other 35 buildings in back of those that have been rehabilitated. When you walk through those buildings, what you see is some of the history of America crumbling literally before your eyes and feet.

The reason for this crumbling is that there has not been an adequate, reliable source of funds to maintain this and many others of our national heritage. The superintendent of the park told me that if she had a reliable source of funds, she could organize a rational plan for the rehabilitation of these historic buildings and, at considerable savings to the taxpayers, commence the process of saving these buildings.

What we have before us is not a bill that gives us the opportunity of salvation. Rather, it is a program that virtually assures the disintegration of Ellis Island and other invaluable parts of our Nation's history and culture. Today, protection of our natural resources and our historic and cultural resources has fallen further and further behind.

Suffering takes many forms. Wildlife is suffering. In the park I know the best, America's Everglades and the great Everglades National Park, the number of nesting wading birds has declined 93 percent since the 1930s. One study of 14 national parks found that 29 carnivores and large herbivores had disappeared since these parks were established and placed under our trusteeship and protection. Only half the islands in the Park Service's historic collections are cataloged.

Often it takes an act of individual intervention in order to save an important national treasure. I have had the good fortune to have my daughter marry the son of a great American historian, David McCullough. David McCullough has sounded the national alarm at the disintegration of much of our historical and cultural treasures. One of those for which he sounded the alarm was the Longfellow house in Cambridge, MA. Not only was it the home of a great American family, it happened to be the home where George Washington lived when he was establishing the first components of the American Colonial Army that would eventually be victorious in the American Revolution—an extremely important site in American history, a site which, lamentably, was collapsing.

David McCullough, a sophisticated person with considerable ability to energize action on behalf of a worthy project, went to one of our colleagues, Senator KENNEDY, and brought to Senator KENNEDY's attention what was happening at the Longfellow house in his State of Massachusetts. Senator KENNEDY came to the Congress not too many years ago and got specific funding for the Longfellow house. Now it is on the road back to recovery.

But do we have to depend upon the convergence of a historian and an influential Senator to save our national heritage? Are we going to say it is important enough that we do this on a predictable, sustained, professional basis? We have that opportunity with the CARA Act. We are about to lose that opportunity with this conference report.

Only 62 percent of conditions needed to preserve and protect the museum collections within our National Park System meet professional standards for their protection. Considering only the park's portion of the CARA compromise—words which I find objectionable—but of only the park's portion of this alleged CARA compromise, we have nearly 290 million reasons to oppose it. Those 290 million reasons are the 290 million persons who last year visited our Nation's parks. That number grows each year as our children and our grandchildren take our place among the mountains, the forests, and the historic sites which comprise America's National Park System. The parks are more than just popular destinations. They are havens for more than 120 threatened and endangered species.

The National Park Service also oversees a trove of historic artifacts that

represent the story of human experience in North America, some 75 million items of our history.

We owe to future generations, we owe to our children and our grandchildren, and their grandchildren, the chance to learn this story. We owe them the same opportunity to appreciate the majestic beauty of this land as we ourselves have been lucky enough to experience.

In the words of President Lyndon Johnson:

> If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

We are seeing that opportunity to leave to those future generations a glimpse of the world as it was in the beginning, we are seeing that opportunity unnecessarily and tragically slipping away.

A steady diet of green will keep our natural treasures healthy well into the next century. We have the opportunity to do this. When the legislation establishing our Outer Continental Shelf drilling program and the royalties that would be derived was established, the theory was we would take the resources that we gathered as we depleted one natural resource, the petroleum and natural gas under our Outer Continental Shelf, and we would use it precisely as a means of investment in the future of our country by investing it in the protection of our most valuable natural historic and cultural resources.

That is the opportunity that the legislation which was introduced, passed overwhelmingly in the House, passed by the Senate Committee on Energy and Natural Resources—and I am proud to say with the support of our Presiding Officer—gave us. It is an opportunity we are about to fritter away.

The CARA compromise does not achieve any of these significant goals. This Senate will diminish itself in terms of its appreciation of our American experience. We will diminish ourselves in terms of our political will. We will diminish ourselves as viewed by the history of our own grandchildren if we are to accept this compromise as being an adequate statement, the beginning of the 21st century of what we think our responsibilities to the future are.

I urge we defeat this conference report, that we defeat this feeble compromise, and that we start again by bringing to the Senate floor the legislation which has passed out of the Committee on Energy and Natural Resources and give us an opportunity to debate it. Those who have some objections should offer amendments. That is the democratic way. I am confident it will pass and that it will be accepted by the House of Representatives, and signed with enthusiasm by the President, and then we will be worthy of the offices we hold and worthy of our responsibility to the American past and to the American future.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. What business is before the Senate?

The PRESIDING OFFICER. The pending resolution, H.J. Res. 110, is under a time limit.

Mr. GRAMS. I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

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

PRESCRIPTION DRUGS

Mr. GRAMS. Mr. President, I come to the floor this evening to talk about an issue which has commanded a lot of attention lately in this body, an issue which has been a major concern of mine for a long time. That is, prescription drug coverage under our Medicare program.

Prescription drugs, as we all know, are becoming an increasingly important, in fact, an essential component of our health care delivery system in the United States. Because of their increasing role in the improvement of health outcomes, I believe a newly designed Medicare would unquestionably include a prescription drug benefit. Unfortunately, Medicare is still operating under a 1965 model. Our seniors continue to lack this very essential coverage.

Over a year ago I introduced the Medical Ensuring Prescription Drugs for Seniors Act, or MEDS, and this role would provide a prescription drug benefit for all Medicare-eligible beneficiaries, and on a volunteer basis. My plan would ensure that our neediest seniors would get the assistance they need, when they need it, for as long as they need it. And MEDS, as most other plans that have been introduced in the Senate, is a comprehensive, Medicare-based approach and will take a few years to fully implement.

Though I fully support MEDS and will fight for its passage, I believe our seniors need some relief now. To that end, I am supporting Senator ROTH's bill, which would send Federal funds back to the States today in order to establish or improve our prescription drug coverage immediately for our seniors and those seniors who need that help and coverage now.

I want to be clear, the only way that Congress will be able to address the prescription drug needs of our seniors this year is to pass the Roth proposal. We need to do it. Unfortunately, our friends on the other side of the aisle disagree with that view. They would rather work to push a massive Medicare-based plan which only seems to increase the burden on the majority of seniors through increased premiums, reduced benefits, and more bureaucracy; in other words, create a bigger and bigger government bureaucracy to handle this.

I believe it is a backdoor tax increase on our seniors, which is both irresponsible, and it would be totally unacceptable, especially to those who really need the help in the coverage to afford prescriptions.

The Democratic proposal, which Vice President AL GORE and others advocate, is frought with a lot of problems. First, his plan would take 8 years to be fully implemented—8 years. The Roth bill would go into effect today. The Vice President's plan would take 8 years to phase in.

You don't hear that when they talk about it, do you? But we all know that our seniors cannot afford to wait 8 years, especially the neediest of our seniors' population, to start realizing a prescription drug benefit under our Medicare program.

This is a part of the plan that often goes unmentioned and one that needs to be highlighted. Either have a plan now that is immediate and provides help to our seniors today, or pass a plan that costs more, reduces benefits, and asks our seniors to wait 8 years to have it fully implemented under Medicare.

The second problem with the proposal is that when it is fully phased in, it will put a new tax on our seniors because it asks for premiums of $600 a year in new additional premiums over and above what they are paying. Above and beyond the fact that many seniors would find that $600 to be cost prohibitive, statistics suggest that the average senior uses only about $675 in prescription drugs in a year. I am not a mathematician by profession, but I can tell you when the proposal only covers 50 percent of the costs of the prescription drugs to begin with—so, in other words, after paying your $600-a-year premium, you have to pay a 50-percent copay on all the drugs you consume, and I believe there is also a cap with it—it means that for the additional $600 premium, again a new tax on our seniors, the average senior would receive at best $37.50 in benefits.

Considering the enormous financial burden this is going to place on an already ailing Medicare system, I am not sure the American people are going to want to assume what will inevitably be a new tax liability and at the same time risk the collapse of Medicare in order to prop up a plan that delivers only pennies a year in prescription drug benefits.

Because it is a bit politically distasteful, supporters of this plan and similar measures fail to mention the cost of these proposals. They make it sound as if this is going to provide Medicare prescription drug coverage to all seniors at no cost. That is the way they always like to present a lot of

these plans, that somehow it is free. I don't know of many seniors out there who believe they are going to get something for nothing. When was the last time they had a free lunch? They know that. Our seniors are smarter than that, but yet they are being told these are things we can provide free.

The bill supported by the Vice President and a number of my colleagues will cost nearly $250 billion over the next 10 years. Aside from having to raid either the Social Security or Medicare trust funds to pay for it—and that is how they pay for it. They are going to take money from an ailing trust fund and try to shift it into expanding new benefits and saying nobody has to pay for it but they are basically robbing from Peter to pay Paul and weakening an already weak system.

An equally troubling fact is that it does nothing to modernize the Medicare program at all. It is basically just putting a Band-Aid over an old system that has problems; again, trying to bring in a 1965 model and adapt it to the year 2000. When the Medicare Commission actually made these proposals, President Clinton pulled the plug. He did not even consider what this panel was recommending. But thanks to Senators FRIST and BREAUX, they are introducing this plan which makes sense, and that is to overhaul, to reform Medicare, and to make sure prescription drugs are an important part of that. But the Roth bill would be that stopgap in order to provide coverage today for our seniors until we can have a real Medicare reform package.

In the absence of these important reforms, this plan offered by the Vice President is nothing more than a prescription for disaster. The funding comes out of the Social Security surplus, which, by the way, the Vice President claims to wall off for only Social Security and only Medicare, but while they are doing that they are trying to expand these services and say it is going to cost nothing. It is a free lunch, a free ride. Nobody believes that can happen. Especially our seniors know that there is no free lunch. Adding new demands on Medicare through the Social Security surplus without reforming the program, again, will only put Medicare further at risk than what it is today.

Finally, their proposal provides no flexibility in terms of being able to opt in or opt out of their program. Again, our proposal is voluntary. If it benefits you, you can get into it. If it doesn't benefit you, don't; keep your own coverage as you have it today. But you have a choice.

Again, these big government programs, the first thing they want to eliminate is choice for the consumer, and in this case for our seniors. You only have one shot under the Vice President's plan to get in and that is it. Seniors, as they age into Medicare, need to make a determination whether they want to get in and save a few dollars a year at best, into a system that is going to cost them at least $600 a year in more taxes. If they take it and change their mind, it is simply too late; they are stuck. They are either in or they are out.

I am happy and proud to have been one of the first to introduce a prescription drug plan in the Senate, and I am hopeful that by having done so, my commitment to this issue and our Nation's seniors is underscored. But, most importantly, I want to ensure that any effort we undertake in Congress will actually help to provide assistance to those who truly need it and provide it sooner rather than later; not with a plan where we are going to try to solve the problems for 6 or 10 percent of the population, but the way they try to solve it is to mandate 100 percent of Americans get involved in their big new bureaucracy for prescription drugs. Importantly, too, my plan does not use the Social Security surplus which I have also secured in a lockbox.

I reiterate, I believe our seniors deserve a prescription drug plan that is truly voluntary, one that will not jeopardize the future of Medicare, and one which will not place on the backs of taxpayers any additional burdens or liabilities. Instead, I am hopeful the Senate can pass legislation immediately returning the money to the States to provide relief while strengthening Medicare and implementing the long-term comprehensive benefit that does not result in a new tax on our seniors. We have an historic opportunity to help our Nation's seniors. I believe we should act now, this year.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. GRAMS. Yes.

Mr. GRAHAM. I say to my colleague, I am concerned that several of your criticisms sound to me as if they are really criticisms against Medicare, as opposed to the idea of prescription drugs being offered through Medicare. For instance, did you just say that you felt it was inappropriate that there be a premium charged for the prescription medication benefit?

Mr. GRAMS. To answer the Senator from Florida, I am not opposed to a surcharge or a prescription charge but a charge that is going to assume a new $600-per-year additional tax or cost on our seniors while providing very little in benefit that would overcome that cost.

Mr. GRAHAM. So you are opposed to the principle of a shared cost program between beneficiaries and the Federal Government in delivering Medicare; is that correct?

Mr. GRAMS. That is not true. The Senator from Florida is inaccurate because in my own plan, my MEDS program is a copay and also has deductibles built in depending on wages or income. It is worked through Medicare and through the HCFA program.

So, no, I do not oppose a shared responsibility or liability but one that is a benefit to seniors, and not one that drains their pocketbooks for little or no benefit.

Mr. GRAHAM. No. 1, you understand, of course, that Part B of Medicare requires, first, a voluntary election to participate and then, second, a monthly premium which today is approximately $45?

Mr. GRAMS. Correct.

Mr. GRAHAM. You also understand the Vice President's plan would require a second voluntary election to participate in prescription drugs, and the monthly fee would be $25, or $300 a year, not $600 a year? Is that correct?

Mr. GRAMS. But his plan is not voluntary. You can voluntarily get in, but when you do not get in, you can't reapply. That is my understanding.

Mr. GRAHAM. No. 2, do you understand Part B of Medicare—I am talking about Medicare as it existed for 35 years—requires the exact same election process as the Vice President's plan would require for prescription drugs? He is doing nothing beyond what we have done for 35 years in Part B of Medicare; that is, the physicians and outpatient services. Do you agree with that?

Mr. GRAMS. My understanding is that in order to be a part of the Vice President's plan of receiving prescription drug coverage, one must pay a $50 premium per month, or new tax, in order to be involved in the system. You have one choice, one chance to get in or you are left out. So you are putting pressure on seniors at whatever age. Then, when you average in what an average senior consumes today in prescription drugs, it is very little if any benefit at all.

Mr. GRAHAM. No. 1, it is $25 a month or $300 a year. No. 2, it is a voluntary election, exactly the same way that you had a voluntary election for Part B for 35 years.

No. 3, you understand that the plan of the Vice President is a universal plan like all the rest of Medicare; over 39 million Americans who are eligible for Medicare are eligible to make the voluntary election to participate in the prescription drug benefit?

Mr. GRAMS. So you are saying the President's plan, when fully phased in, will be only $25 per month or are you talking about the initial plan with the coverage available with the caps and coverage?

Mr. GRAHAM. I am talking about the plan that will be in effect in the year 2002 when we adopt this plan. It will be a voluntary plan. It will be a plan which will be affordable. It will not only give you the benefit of access to 50-percent coverage of your immediate prescription medication cost, but

it will also give you, after you pay $4,000, a stop loss, a catastrophic intercept which says, beyond that point, the Federal Government will pay all of your prescription drug bills.

That is, in my opinion, the most important part of this plan because the fear of many seniors, and the thing they see as the potential threat to not only their health but their economic security, is that they are going to fall into a serious illness where suddenly their prescription drug costs are not $20 or $30 a month but are $800 or $1,000 a month.

The Vice President's plan assures that after you have paid $4,000, then you will have a stop loss against any further payments. Don't you think that is a pretty significant security for America's seniors?

Mr. GRAMS. I disagree with the Vice President—if I may reclaim my time—and I will tell you why. Because, as you said, when it goes into effect in 2002, it is not fully implemented for 6 to 8 years. You might start off with a low payment, but it escalates to $50-a-month premiums fully implemented, and it does provide you have to pay 50 percent, up to $4,000.

To compare that with my MEDS plan, we have a $25 copay per month, $300 per year. We do not have a cap for people below 135 percent of poverty. So they will get any amount of drugs for $300 a year compared to the President's $4,000. For some who are on the edge of poverty, they do not have the $4,000, I say to the Senator, to pay for this.

Mr. GRAHAM. As you understand, all of the plans provide for no payment for persons who are above the Medicaid eligibility limit but generally below 175 percent of poverty, which means approximately $14,000 or $15,000. They would pay no premium. They would pay no copayments. They would have no deductibles. For those people, the Vice President's plan would be fully available without any charges.

What we are talking about in both plans is the people who are above 175 percent of poverty. What percentage subsidization would you provide for persons over 175 percent of poverty?

Mr. GRAMS. Not to belabor this debate, and it is good we are talking about it because the American people need to hear it, but over that amount of money you are talking about, we would still have a $25 copay, the $150 deductible, and then no cap at all on coverage. If you were at that income level, you would probably pay, at most, $175 per month for the whole year or $175 per month per year.

Mr. GRAHAM. So you pay $175 a month, is your premium.

Mr. GRAMS. If you are going to have the $25 copay and $125 a month deductible.

Mr. GRAHAM. If I had been there last night—and I know the rules of the first debate precluded having a chart—I would have loved to have had a chart and asked Governor Bush to fill in the blanks. Since we do not have Governor Bush here but you are advocating the first phase of his plan, let me ask you about a few of the blanks on his chart.

What would be your coverage for persons over 175 percent of poverty? What percentage of their prescription drug costs would you cover?

Mr. GRAMS. I am not here to try to defend or put words in——

Mr. GRAHAM. I am trying to get the facts.

Mr. GRAMS. I am trying to defend the plan I have offered, and that is my MEDS program.

Mr. GRAHAM. Let me ask about your plan. For persons over 175 percent of poverty, what percentage of the prescription drug expenses would you have the plan cover as opposed to that for which the individual would be responsible?

Mr. GRAMS. It would cover 100 percent of everything over a $25 copay and a $150-a-month deductible for those who are in that income level or above.

Mr. GRAHAM. So it would be a $150 monthly deductible and a $25 copay?

Mr. GRAMS. Yes——

Mr. GRAHAM. Is that copay per prescription filled?

Mr. GRAMS. For the month, yes.

Mr. GRAHAM. I thought $150 a month was the deductible. There is a copay beyond that?

Mr. GRAMS. Yes.

Mr. GRAHAM. How is that calculated?

Mr. GRAMS. Twenty-five dollars of the prescription.

Mr. GRAHAM. The plan would pay 25 percent——

Mr. GRAMS. That is the deductible. The individual would pay 25 percent of the cost of the prescription, and then if they were at an income level you are talking about, it would be a $150 deductible with no caps or limits for the year; not the $4,000 you are talking about.

Mr. GRAHAM. What do you estimate to be the cost of that plan that has a $150 deductible and $25 copay?

Mr. GRAMS. We have tried, but we have not had it scored yet and have not been able to get the numbers, but some of the projections we have say it will be under $40 billion a year, not the 258 or 253 the Vice President is talking about.

Mr. GRAHAM. How can you offer a more generous plan by having the beneficiary pay only 25 percent as opposed to the Vice President's 50 percent and yet have such a lower cost?

Mr. GRAMS. Because what we are trying to do is target those who need the help, and that is about 6 or maybe 10 percent of the population. What the Vice President is doing and what you are talking about is bringing 100 percent of Americans under a new national program where the Government is going to be the purchaser and the dispenser of these prescriptions. I reject that type of a plan.

Mr. GRAHAM. Mr. President, I will conclude these questions by going back to my first assertion. We are not talking about prescription drugs through Medicare; we are talking about an assault against the basic principles of Medicare itself. That is a universal program, not a program limited by class to only the poor and near poor of America: That is a voluntary program. That is a shared cost program between the beneficiary and the Federal Government. That is a comprehensive program that covers all of the necessary health care for older Americans. And, as I believe the Senator stated in his introductory comments, nobody would develop Medicare today, in 2000, without having a prescription drug benefit.

When you attack all those principles that are the foundation of Medicare, what you are really doing is attacking one of the programs which has made the greatest contribution to lifting 39 million Americans into levels of respect and security and well-being of any program that the Federal Government has ever developed. The American people need to hear that this debate is not just about prescription drugs; it is about a frontal assault against Medicare. If this philosophy prevails, that is where the battleground will be.

I thank the Chair.

Mr. GRAMS. Reclaiming my time, not to leave the impression that by any means this is an assault on Medicare, because the plan I have proposed and outlined is handled and complemented through Medicare. I know they like to always say the Republicans are making an assault against Medicare and somehow we want to end the program of providing this help and assistance to millions of seniors across the country. That is simply not true.

This plan does nothing to make an assault on Medicare or the benefits it provides today, but it also does not turn a prescription drug program into a national prescription drug program run and handled by the Government, and that is basically my belief of what is outlined here.

We will work to preserve and strengthen Medicare, and that includes adding an affordable prescription drug plan that will take care of the neediest of the seniors in our society today.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I want to get engaged in that discussion. I guess we will have time for that later. But the fact is, I think the Senator from Florida is correct. What we are seeing here, really, is a continuation of Newt Gingrich's philosophy that Medicare should wither on the vine. We all remember that.

That was this ''Contract on America.'' That was Newt Gingrich's philosophy. I think we see it further taking place here today.

The Senator from Minnesota, I think, is basically going down that same path that Governor Bush is. Basically, what they have envisioned is a prescription drug program where, basically, if you are poor, you are on welfare, and you get it. If you are rich, you don't need it, and you pay for your own or you can belong to your own insurance plan and pay for it, or maybe you have an employer-sponsored program. But if you are the middle class, and you are in that middle group, you are paying the bill for both of them. You are paying for the tax breaks for the wealthy, and you are paying for the welfare benefits for the poor so they can get their prescription drugs. But you, in the middle class, don't get anything. If you do, in fact, get in this program, you will be paying and paying and paying and paying.

The Republicans have never liked Medicare. They did not like it when it came in, and they have never liked it since. So they just keep coming up with these kinds of programs that sound nice, but basically it is designed to unravel Medicare and let it wither on the vine.

Mr. President, I want to take to the floor today again to speak about the lack of due process in the Senate regarding judgeships, and especially the nomination of Bonnie Campbell for a position on the Eighth Circuit Court of Appeals.

Her nomination has now been pending for 216 days. Yesterday, the Senate voted through four judges. Three of them were nominated and acted on in July; one was nominated in May. Bonnie Campbell was nominated in March. Yet those got through, but they are holding up Bonnie Campbell. Why?

Maybe it is because she has been the Director of the Violence Against Women Office in the Justice Department for the last 5 years; that office which has implemented the Violence Against Women Act, which, by all accounts, has done an outstanding job.

Maybe my colleagues on the other side of the aisle do not want any woman that is qualified to be an appeals court judge. Maybe that is why they are holding it up. Maybe it is because she has done such a good job of implementing the Violence Against Women Act.

Maybe they are holding her up because they think there are enough women on the circuit court. Of 148 circuit judges, only 33 are women; 22 percent. But maybe my colleagues on the Republican side think that is enough women to have on the circuit court.

I have said time and time again—and I will say it every day that we are in session—that Bonnie Campbell is not being treated fairly, not being accorded, I think, the courtesy the Senate ought to afford someone who is well qualified.

All the paperwork is done. All the background checks are done. She is supported by Senator GRASSLEY, a Republican, and by me, a Democrat from her home State. That may rarely happen around here. So Bonnie Campbell is not being treated fairly.

Senator HATCH, the other day, said, well, the President made some recess appointments in August, and that didn't set too well with some Senators. But what has that got to do with Bonnie Campbell? Maybe they don't like the way President Clinton combs his hair, but that has nothing to do with Bonnie Campbell being a judge on the circuit court.

Is Senator HATCH really making the argument that because President Clinton made some recess appointments that he didn't like, so that gives him an adequate excuse and reason to hold up Bonnie Campbell? I find that an interesting argument and an interesting position to take.

I have heard that there was a news report that came out today that some of the Senators on the other side had some problems with her views. Now, this is sort of general. I don't know what those problems are. But that is why we vote. If some Senator on the other side does not believe Bonnie Campbell is qualified or should not be a Federal judge in a circuit court, bring her name out, let's debate it. These are debatable positions. Let's talk about it. And then let's have the vote.

If someone feels they can't vote for her, that is their right and their obligation. But we did not even have that. We do not even have her name on the floor so we can debate it because the Judiciary Committee has bottled it up.

Then I was told her name came in too late. It came in just this year. I heard that again. That is also in the news reports today, that somehow this vacancy occurred a year ago, but her name did not come down until March.

So I did a little research.

In 1992, when President Bush—that is the father of Governor Bush—was President in 1992, and the Senate was in Democratic hands, we had 13, 14 judges nominated; 9 had hearings; 9 were referred; and 9 were confirmed—all in 1992. Every judge who had a hearing got referred, got acted on, and got confirmed.

Now, that was OK in 1992, I guess, when there was a Republican President and a Democratic Senate. But I guess it is not OK when we have a Democratic President and a Republican Senate.

Here we are. This chart shows this year, we have had seven nominees, including Bonnie Campbell. We have had two hearings; we have had one referred; one confirmed—one out of seven. So this kind of story I am hearing, that her nomination came in too late, is just pure malarkey. This is just another smokescreen.

Circuit judges. They say: Well, it's a circuit court. There's an election coming up. We might win it, so we want to save that position so we can get one of our Republican friends in there.

Well, again, in 1992, circuit nominees, we had nine: six were acted on in July and August, two in September, and one in October. Yet in the year 2000, we had one acted on this summer, and we are in the closing days of October. No action.

So, again, it is not fair. It is not right. It is not becoming of the dignity and the constitutional role of the Senate to advise and consent on these judges.

Thirty-three women out of 148 circuit judges; 22 percent—I guess my friends on the other side think that is fine. I do not think it is fine.

Again, everything has been done. All of the paperwork has been in, and here she sits.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I will now—and I will every day—ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, and that the debate on the nomination be limited to 2 hours, equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, I object on behalf of the leader.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I wish I knew why people are objecting. Why are they objecting to Bonnie Campbell? Why are they objecting to a debate on the Senate floor? Why are they objecting to bringing her name out so that we can have a discussion and a vote on it?

I want to make clear for the Record, it is not anyone other than the Republican majority holding up this nominee. Every day we are here—I know there will be an objection—I am going to ask unanimous consent because I want the Record to show clearly what is happening here and who is holding up this nominee who is fully qualified to be on the circuit court for the Eighth Circuit.

Now I want to turn my comments to something the Senator from Minnesota was talking about; that is, the prescription drug program from the debate

last night. Quite frankly, I was pretty surprised to hear Governor Bush talking about his prescription drug program. He calls it an ''immediate helping hand,'' and there is a TV ad being waged across the country to deceive and frighten seniors. He talks about ''Mediscare''; that was Bush's comment last night. He accused the Vice President of engaging in ''Mediscare,'' scaring the elderly.

If the Bush proposal for prescription drugs were to ever go into effect, seniors ought to be scared because what it would mean would be the unraveling of Medicare, letting Medicare wither on the vine.

Let's take a look at the Bush proposal. We know it is a two-stage proposal. First, it would be turned over to the States. It would require all 50 States to pass enabling or modifying legislation. Only 16 States have any kind of drug benefit for seniors. Each State would have a different approach.

The point is, many State legislatures don't meet but every 2 years. Even if we were to enact the program, there are some State legislatures that wouldn't get to it for a couple years.

Our most recent experience with something such as this is the CHIP program, the State Children's Health Insurance Program, which Congress passed in 1997. It took Governor Bush's home State of Texas over 2 years to implement the CHIP program. It is not immediate.

He calls it ''immediate helping hand.'' It won't be immediate because States will have a hard time implementing it. In fact, the National Governors' Association says they don't want to do it. This is the National Governors' Association:

> If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states.

That is exactly what Bush's 4-year program does. Beyond that, his plan only covers low-income seniors. Many of the seniors I have met and talked with wouldn't qualify for Bush's plan.

A recent analysis shows that the Bush plan would only cover 625,000 seniors, less than 5 percent of those who need help. His plan is not Medicare; it is welfare. What the seniors of this country want is Medicare, not welfare. Seniors would likely have to apply to a State welfare office. They would have to show what their income is. If they make over $14,600 a year, they are out. They get nothing, zero.

After this 4-year State block grant, then what is his plan? Well, it gets worse. Then his long-term plan is tied to privatizing Medicare; again, something that would start the unraveling of Medicare. It would force seniors to join HMOs.

So under Governor Bush's program, after the 4-year State program, then we would go into a new program. It would be up to insurance companies to take it. So seniors who need drug coverage would have to go to their HMO. They would not get a guaranteed package. The premium would be chosen by the HMO, the copayment chosen by the HMO, the deductible chosen by the HMO. And the drugs you get? Again, chosen by the HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for at least a couple more minutes to finish up. I didn't realize I was under a time schedule.

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

Mr. HARKIN. Bush's plan would leave rural Americans out in the cold. Thirty percent of seniors live in areas with no HMOs. And contrary to what the Senator from Minnesota said, if I heard him correctly, under the Bush program, the Government would pay 25 percent of the premiums and Medicare recipients would have to pay 75 percent.

The Bush program basically is kind of scary. Seniors ought to be afraid of it, because if it comes into being, you will need more than your Medicare card. You will need your income tax returns to go down and show them how much income you have, how many assets you have. If you qualify, you are in; if you don't, you are out. That would be the end of Medicare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given time as needed, yielded off the continuing resolution.

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

CHILDREN'S HEALTH ACT OF 2000

Mr. FRIST. Mr. President, I have come to the floor to discuss and share with my colleagues very good news, some news that is bipartisan, that reflects what is the very best of what the Senate is all about.

It has to do with a bill called the Children's Health Act of 2000, a bill that is bipartisan, that reflects the input of probably 20 to 30 individual Senators on issues that mean a great deal to them based on their experience, their legislative history, what they have done in the past, their personal experiences, and responding to their constituents. This bill passed the Senate last week and passed the House of Representatives last week and will be sent to the President of the United States sometime either later tonight or tomorrow.

The Children's Health Act of 2000, is a comprehensive bill, a bill that forms the backbone of efforts to improve the health and safety of young people today, of America's children today. But equally important, it gathers the investments to improve the health, the well-being of children of future generations.

It is fascinating to me because it was about a year or a year and a half ago that Senator JEFFORDS and I, after working on this particular piece of legislation for a couple of years, reached out directly across the Capitol to Chairman BLILEY and Representative BILIRAKIS to work together to address a whole variety of children's health issues, including day-care safety, maternal, child, and fetal health, pediatric public health promotion, pediatric research, efforts to fight drug abuse, and efforts to provide mental health services for our young people today.

The good news, with all of the other debates that are going on and the partisanship going back and forth, is that we in the Senate, as the Congress, we as a government have been successful in accomplishing this bipartisan, bicameral effort.

The bill that Congress now sends to the President includes two divisions or two parts. The first part, part A, addresses issues regarding children's health. The second part, part B, addresses youth drug abuse.

I would like to take a few moments to outline not the entire bill, but a number of the provisions in this bill, because I think it reflects the care and the thoughtfulness with which this bill was put together.

The first is day care safety. Perhaps the most critical section of the first part of this bill relates to day care health and safety. We based it on the bill which was called, the Children's Day Care Health and Safety Improvement Act, a bill that I introduced, again, in a bipartisan way, with Senator DODD on March 9 of this year.

Currently, there are more than 13 million children under the age of 6 who, every day, are enrolled in day care. About a quarter of a million children in Tennessee go to day care. The day care safety bill recognizes that it is our responsibility as a society, as a Government, to make sure that these day care facilities are as safe as possible, such as the health of children in child care is protected, so that when a parent, or both parents, drop that child off at day care, they can rest assured that the child will be in a safe environment throughout the day.

The danger in child care settings recently has become evident in my own State of Tennessee, again drawing upon how we learn and listen in our own States and bring those issues together and discussing them on the floor of the Senate and then fashion them into a bill. Tragically, within the span of just two years, in one city in Tennessee, four children died in child care settings. In addition, one in five child care programs in another city in Tennessee were found to have potentially put the

health and safety of children at risk during the year 1999.

But this isn't just a Tennessee concern. It affects parents and day care centers and children nationwide. According to a Consumer Product Safety Commission Study in 1997, 31,000 children, ages 4 and younger, were treated in hospital emergency rooms for injuries they sustained while in child care or at school. More than 60 children have died in child care settings since 1990. The statistics are startling. They are unacceptable. The thousands of parents dropping their children off and leaving them in the hands of child care providers every day deserve the reassurance that their children will be safe throughout the day.

A recent study by the American Academy of Pediatrics reinforced this need further when it reported a disturbing trend among children with SIDS, Sudden Infant Death Syndrome. They looked at SIDS infants in day care. There were 1,916 SIDS cases from 1995 through 97 in 11 States and they found that about 20 percent, 391 deaths occurred in these day care settings. Most troubling was the fact that in over half of the cases the caretakers placed children on their stomach, where those same children at home were put to sleep on their backs by their parents. Parents and advocates who are dedicated to helping to eliminate the incidence of SIDS have urged that child care providers be required to have SIDS risk reduction education. When you hear these statistics and read these reports, you will agree. That is why I included a provision in this bill to carry out several activities, including the use of health consultants to give health and safety advice to child care providers on important issues, including SIDS prevention.

Overall, our bill authorizes $200 million to States to help improve the health and safety of children in child care settings. The grants can be used for all sorts of activities, including child care provider training and education, inspections in criminal background checks for day care providers; enhancements to improve a facility's ability to serve children with disabilities; to look at transportation safety procedures; to look and study and provide information for parents on choosing a safe and healthy day care setting.

This funding could also be used to help child care facilities meet the health and safety standards, or employ health consultants to give health and safety advice to child care providers. Many of us in this body have grandchildren or children. Our highest concerns are for the safety of those children and grandchildren. I understand the fears that so many parents have. Parents should not be afraid to leave their children in the care of a licensed child care facility. This bill, very simply, helps ensure that our child care centers will be safer.

A second portion of the first part of this bill includes provisions called the Children's Public Health Act of 2000 which, again, had been introduced in a bipartisan way by myself, Senator JEFFORDS, and Senator KENNEDY on July 13 of this past year. The purpose of this bill is to address a whole variety of children's health issues, including maternal and infant health, including pediatric health promotion, including pediatric research. Senator ORRIN HATCH, whose name was mentioned on the floor a few minutes ago, has been a real leader in another area of traumatic brain injury. Unintentional injuries are the leading cause of death in the age group between 1 and 19 years. It is those unintentional injuries that is the number one cause of death. In fact, more than 1.5 million American children suffer a brain injury each year. Therefore, in this bill we strengthen the traumatic brain injury for the CDC, the National Institutes of Health, and the Health Resources and Services Administration.

Birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric admissions. This bill also focuses on maternal and infant health. This legislation establishes for the first time a National Center for Birth Defects and Developmental Disabilities at the CDC, to collect, analyze and distribute data on birth defects.

In addition, the bill authorizes a program called Healthy Start, a program to reduce the rate of infant mortality and improve those perinatal or those outcomes around the time of birth, by providing grants to areas with a high incidence of infant mortality and low birthweight. To address the fact that over 3,000 women experience serious complications due to pregnancy and that two out of three will die from complications in their pregnancy, this bill develops a national monitoring and surveillance program to better understand the maternal complications and mortality to decrease the disparities among various populations at risk of death and complications from pregnancy.

Asthma has an increasing incidence in this country and we don't know why. This bill combats some of the most common ailments. For instance, it provides comprehensive asthma services and coordinates the wide range of asthma prevention programs in the Federal Government, to address the most common childhood diseases. Asthma is a disease that affects over 5 million children in this country today.

Obesity is another problem. Again, we don't fully understand it, but it is a problem that is increasing in magnitude. Childhood obesity has doubled in the past 15 years and produced almost 5 million seriously overweight children in adolescence. It is an epidemic. This bill addresses childhood obesity and supports State and community-based programs promoting good nutrition and increased physical activity among American youth.

Lead poisoning prevention. As I look at problems across Tennessee, I was concerned to learn that in Memphis over 12 percent of children under the age of 6 may have lead poisoning. Such poisoning, we know, can contribute to learning disabilities, loss of intelligence, to hyperactivity, to behavioral problems.

In this bill, we include physician identification and training programs on current lead screening policies. We track the percentage of children in health center programs, and conduct outreach and education for families at risk for lead poisoning.

The Surgeon General's report of May 2000 noted that oral health is inseparable from overall health, and that while a majority of the population has experienced great improvements in oral health disparities affecting poor children and those who live in underserved areas represent 80 percent of all dental cavities in 20 percent of children.

Our bill encourages pediatric oral health by supporting community-based research and training to improve the understanding of etiology, pathogenesis diagnoses, or the why of the disease progression, the diagnosis of the disease prevention and treatment of these pediatric oral, dental, and cranial facial diseases. Behind all of those is pediatrics research.

Our bill strengthens pediatric research. It does it in such a way by establishing a pediatric research initiative within the National Institutes of Health. It will enhance collaborative efforts. It will provide increased support for pediatrics biomedical research and ensure that opportunities for advancement in scientific investigations and care for children are realized.

I should also mention childhood research protections, children who are involved in research, and how they are protected.

Included in this bill are provisions to address safety initiatives in children's research by requiring the Secretary of Health and Human Services to review the current Federal regulations for the protection of children who are participating in investigations. It will address issues such as determining acceptable levels of risk and obtaining parental permission. They will report to Congress on how to ensure the highest standards of safety.

This year the Senate Subcommittee on Public Health, which I chair, held two important hearings relating to gene therapy trials and human subject protections. We discovered a lapse of protection for individuals participating in clinical trial research. In the next

Congress, we intend to make the further review in updating of human subject protections a major priority of this subcommittee.

The second part of this bill, division B of the bill, contains provisions which address very specifically the curse of pediatric or youth drug abuse.

The 1999 National Household Survey on Drug Abuse conducted by the Substance Abuse and Mental Health Services Administration reported that 10.9 percent of youth ages 12 to 17 currently use illicit drugs. They further estimated that 11.3 percent of 12- to 17-year-old boys and 10.5 percent of 12- to 17-year-old girls used drugs in the past month.

Just as discouraging is the growth in youth alcohol abuse. These same reports reveal that 10.4 million current drinkers are younger than the legal drinking age of 21 and that more than 6.8 million have engaged in binge drinking.

Sadly, all of these numbers detailing youth substance abuse have risen since 1992.

We addressed this tragedy again head on by incorporating the Youth Drug and Mental Health Services Act, which in a bipartisan way was introduced by myself and Senator KENNEDY last spring which was first passed in the Senate in November of 1999.

This youth drug bill addresses the problem of youth substance abuse by authorizing and by reauthorizing and improving and strengthening the Substance Abuse and Mental Health Services Administration. This bill puts a renewed focus on youth and adolescence substance abuse and mental health services. At the same time, it gives flexibility, and it demands greater accountability by States for the use of Federal funds.

Created in 1992 to assist States in reducing substance abuse and mental illness through these prevention and treatment programs, the Substance Abuse and Mental Health Services Administration provides funds to States for alcohol and drug abuse prevention and treatment programs and activities, as well as mental health services. Its block grants account for 40 percent and 15 percent, respectively, of all substance abuse and community mental health services.

In my own State of Tennessee, the Substance Abuse and Mental Health Services Act provides more than 70 percent of overall funding for the Tennessee Department of Health, Bureau of Alcohol and Drug Abuse.

This bill very quickly accomplishes six critical goals. It promotes State flexibility by easing outdated or unneeded requirements and governing the expenditure of Federal block grants.

Second, it ensures State accountability by moving away from the present system inefficiencies to a performance-based system.

Third, it provides substance abuse treatment services and early intervention substance abuse services for children and adolescence.

Fourth, it helps local communities treat violent youth and minimizes outbreaks of youth violence through partnerships among schools, among law enforcement activities, and mental health services. It ensures Federal funding for substance abuse or mental health emergencies.

And six, it supports and expands programs providing mental health and substance abuse treatment services to homeless individuals.

I will close by basically stating, once again, how excited I am about this particular bill as we send it to the President. Over the next several days during morning business, I look forward to the opportunity of coming back and discussing this bill further with my colleagues who have participated so directly in this particular bill.

I wish to respond very briefly to some comments that were made prior to me beginning my comments and the discussion on the floor in the hour preceding my comments that centered on prescription drug plans, the modernization of Medicare, and who has the best approach. The debate was very much between the Bush proposal and the Gore proposal. Let me very quickly summarize the objections that seniors have to the Gore proposal and the prescription drugs. I can do this very quickly. It really boils down to one sentence.

Under the Gore proposal, seniors will have only one choice, and they will only have one chance to make that choice. Then there is no turning back. No. 1, the Gore prescription drug proposal is centered around a Washington-run drug HMO.

Why does that bother seniors? Because an HMO ultimately, and often we see it too commonly today, sets prices, determines access, and can deny that access without any choice.

No. 2, the Gore proposal has a $600 access fee. That means if you do not use prescription drugs today, you are going to be paying $600 more today for getting nothing further; $600 access. That is before you buy any drugs whatsoever, a $600 access fee.

Our seniors are asking: Am I going to be one of the 13 million people who do not even have $600 in prescription drug requirements a year? If so, if I join that plan, I automatically am going to be paying more for what I get today.

That is for 13 million seniors. Seniors are asking: Am I going to be one of those 13 million?

Just one example: Under the Gore prescription drug proposal, if you have $500 a year in prescription drugs, and you joined his plan, you are going to have to pay $530 for $500 worth of prescription drugs today.

That is why seniors are going to object. That is why the Gore plan really, as I see it, has absolutely no chance for passage.

One other thing on the access fee: Let me tell our seniors very directly, if this bill were to pass today, if the Vice President were successful in getting this bill through today, as a senior your Medicare premiums, how much you pay every month, is going to double from what it is today. Your Medicare premium for what you pay today for Medicare is going to double. It will go from $45 to $90 within 2 years, if you join this plan.

The third I said is one choice; one chance; no turning back. You have one chance under the Gore proposal. If you are 64½ you either get this prescription drug benefit or you don't.

The problem is that a lot of heart disease doesn't develop until you are 65, or 67, or 70, or 75, or 80, or 85 years of age. At 64½, if you didn't go into these prescription drug programs, you have no chance to go into it in the future. You have only one chance; that is, when you are 64½.

People say you only live 65, or 67, or 77 years of age. If you live to be 64½, you are likely to live to 80 or 85 years of age. You have one choice—a Washington HMO; one chance when you are 64½ and no turning back.

I make it very clear to our seniors what we are talking about when we talk about the prescription drug plan proposed by Vice President GORE.

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in celebrating the passage of Children's Health Act, which Senators FRIST, KENNEDY, myself, and many others introduced earlier this year. The Children's Health Act passed the Senate on September 22, the House on September 27, and is now one step closer to becoming law.

The Children's Health Act will significantly improve the well-being of children in this nation. This bill authorizes prevention and educational programs, clinical research, and direct clinical care services for child specific health issues.

President Clinton needs to sign this legislation into law now. Our nation's medical research and treatment systems must be encouraged to recognize that children have unique needs. Without the initiative of the Children's Health Act, research into many of the diseases and disorders that effect children will be overlooked and neglected.

I am also excited that the Children's Health Act includes legislation that the Senate passed last year to reauthorize the Substance Abuse and Mental Health Services Administration (SAMHSA). The Youth Drug and Mental Health Services Act is critically important for strengthening community-based mental health and substance-abuse prevention and treatment services.

We introduced SAMHSA reauthorization with strong bipartisan cosponsorship of many members of the HELP

Committee. The service and grant programs administered by SAMHSA have gone far too long without being reauthorized. We will now be able to improve access and reduce barriers to high quality, effective services for individuals who suffer from, or are at risk for, substance abuse or mental illness, as well as for their families and communities.

This legislation includes the formula compromise for the Substance Abuse Treatment Block Grant that was originally included in the 1998 omnibus appropriations bill. This is an issue of paramount importance to small and rural states, and I am pleased that this legislation ratifies and continues the agreement reached in 1998.

The Children's Health Act and the Youth Drug and Mental Health Services Act are both the product of many months of work and collaboration among its many stakeholders. We have come this far because of the bipartisan dedication of members of HELP Committee and especially the leadership of Senator FRIST and Senator KENNEDY. I commend them both for their considerable efforts to help so many children and American families.

I also want to thank my colleagues in the House for their strong cooperation and support. I am so proud of being involved in this effort and I think the entire House of Representatives and Senate should be very proud of approving the Children's Health Act.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 110

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate convenes tomorrow morning, the time prior to 10 a.m. be equally divided in the usual form and the previously ordered vote on H.J. Res. 110 now occur at 10 a.m.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. FRIST. I ask consent that the Senate now resume consideration of the Interior conference report and Senator FITZGERALD be recognized.

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

Mr. FITZGERALD. Mr. President, Senator WYDEN has requested to speak for 5 to 10 minutes. I ask unanimous consent he be allowed to do that, then I be able to go back and speak as though it were a continuation of the speech I have had ongoing since early this morning.

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

ASSISTED SUICIDE

Mr. WYDEN. Mr. President, I come to the floor tonight to discuss the possibility that there will be an effort very shortly to override Oregon's assisted suicide law as part of a package that includes legislation that is extremely important to the country, such as legislation that would protect women from domestic violence, such as legislation that would also deal with sex trafficking—an extraordinary scourge that victimizes women and children. I think it would be extremely unfortunate to victimize the victims in that way. It is clearly not in the public interest.

Oregon's assisted suicide law involves a very controversial matter. I happen to be against assisted suicide, against the Oregon law, but the bill that cleared the Judiciary Committee on a 10–8 vote, a very narrow vote, is strongly opposed by the American Cancer Society. The American Cancer Society believes that legislation will harm those in pain. I am very hopeful that rather than tie this assisted suicide legislation to vitally needed legislation that would protect the victims of domestic violence and women and children from sex trafficking, the Senate would adhere to the agreement that was entered into in August.

In August, on a bipartisan basis, the Senate made it very clear, and I specifically addressed this on the floor of the Senate, that I was open to a fair fight, to an open debate on the assisted suicide question. In fact, I made it very clear that while I intend to use every opportunity to speak on the floor of the Senate and make sure the Members understand, for example, that the American Cancer Society believes this legislation will harm those in pain, I was willing to accept the will of the Senate on any cloture vote that might be scheduled. That was the agreement entered into in August. It provided for a fair fight on this issue.

Tonight we are told that there may be the possibility, as I have touched on, of an effort to override Oregon's assisted suicide law. By the way, Oregon is the only State in the country that has such legislation. It would be linked to the other desperately needed measures, such as the legislation to protect women victimized by domestic violence. I hope that will not be the case. I would have to oppose very strongly that kind of effort. It seems to me it is not in the public interest, and it is particularly regrettable since it runs contrary to the spirit of what was agreed to in August: That there would be an opportunity for both sides on the floor of the Senate to have this debate about assisted suicide; I would have a chance to address the issue in some detail, but if there were an effort to file cloture, I would accept the will of the Senate on that measure.

In addition, we just learned in the last few minutes there is a possibility schoolchildren in 700 rural school districts around the country could also be held hostage because, again, there may be an objection to the county payments bill legislation authored by Senator CRAIG of Idaho and myself—again, bipartisan. There may be an objection to that bill, again, on the grounds that somehow it should be examined some more and possibly linked again to the assisted suicide question.

I think, again, these issues ought to be considered on the merits. The county payments legislation passed this body by unanimous consent; 100 Senators agreed to make sure that these schoolchildren in 700 rural school districts got a fair shake. We have been working with the House. We have now come up with an agreement among the House, the Senate, and the White House. I think we can pass it 100–0 in the Senate. But we are told someone is going to object to the county payments legislation for the unrelated reason that they are not able to work out an arrangement that allows them to throw the Oregon assisted suicide law in the trash can on an arbitrary basis.

What the Senate worked out in August was fair to all sides. It ensured that we have a chance to discuss the matter of assisted suicide. It is a controversial question. I personally am against assisted suicide. I voted against the Oregon law twice. I voted against Federal funding for assisted suicide. But I oppose the legislation being advanced here to overturn Oregon's law for the same reasons that the American Cancer Society does. It will hurt patients in pain.

I felt compelled to come to the floor of the Senate and express my concern. I think it is not in the public interest to link desperately needed legislation such as the bill to protect the victims of domestic violence to the assisted suicide law. It is not appropriate to hold hostage the victims of sex trafficking to the Oregon assisted suicide law. I hope we will not see what has been raised as a possibility in the last few minutes, and that is to hold up the county payments legislation—which has been agreed to by the House and the Senate negotiators and those at the White House—that would provide a lifeline to 700 rural school districts all across the country.

I hope that bill and the other vitally needed legislation will not be held up because a Senator decides he or she wants to throw the assisted suicide override into unrelated legislation that this country needs so greatly. I made it clear last August I was open to being fair to both sides. That is why we entered into an agreement for a fair fight. I said I would respect the will of the Senate on a cloture vote if it came to that. I think we ought to adhere to that August agreement and not link this matter of throwing Oregon's law into the trash can by tucking it into unrelated legislation.

Frankly, those who are trying to tuck this override of Oregon's assisted suicide law into other legislation—such as the bill that would protect the victims of domestic violence—are doing a tremendous disservice to the women victimized by domestic violence, to the victims of sex trafficking, to the schoolchildren who desperately need that county payments legislation. These bills ought to be considered on their merits. That was agreed to back in August with respect to the assisted suicide legislation. I will do everything in my power to insist the Senate adhere to what was agreed on last August.

I thank my colleague and friend from Illinois for his thoughtfulness.

INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected Members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

FINAL PASSAGE OF S. 1198, THE TRUTH IN REGULATING ACT

Mr. LOTT. Mr. President, I rise today to applaud the efforts of everyone who worked to pass S. 1198, the Truth in Regulating Act. Last evening, the House passed this important legislation, following the Senate's passage of the bill on May 9th of this year. I was pleased to learn of the final passage of this bill in the House, as this event marks the culmination of the hard work of many Senators, Representatives, and members of their staffs in achieving another milestone in our journey towards comprehensive regulatory reform.

This legislation establishes a process for Congress to obtain reviews of economically significant rules. These reviews, to be performed by the General Accounting Office, will help Congress to better assess the impact of federal agency regulations. I am confident that the information which will be provided in these reports will enable Congress and the public to have a better understanding of the potential costs and benefits of these regulations, and I believe that these independent analyses will help federal agencies to develop the most efficient and beneficial regulations for all concerned.

Mr. President, passage of this legislation would not have been possible without the hard work of several Senators on both sides of the aisle. Both Senator SHELBY and Senator THOMPSON have been active in addressing this issue for quite some time, and the efforts of Senator BOND and the input of Senator LEVIN were also helpful to the process. Similarly, I know that Representatives KELLY and MCINTOSH worked hard on the House side to get the Truth in Regulating Act passed. The details of this legislation were worked out by countless hours of work by a number of staff members, both former and current, for these Senate and House members. In addition to members of my staff, these staff members include Paul Noe, Mark Oesterle, Suey Howe, Linda Gustitus, Meredith Matty, Barry Pineles, Larry McCredy, Barbara Kahlow, and Marlo Lewis.

Mr. President, I look forward to the President signing this legislation.

Mr. THOMPSON. Mr. President, I am pleased that last night the House passed on suspension the ''Truth in Regulating Act,'' S. 1198, and that this legislation will now be sent to the President. S. 1198 will support Congressional oversight to ensure that important regulatory decisions are cost-effective, well-reasoned, and fair.

The foundation of the ''Truth in Regulating Act'' is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, federalism assessment, and other key information underlying any important regulatory proposal. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up-front. It will help us to ensure that the proposed regulation is sensible and consistent with Congress' intent before the horse gets out of the barn. It will help improve the quality of important regulations. This will contribute to the success of programs that the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to review a proposed economically significant rule and provide an independent evaluation of the agency regulatory analysis underlying the rule. The Comptroller General shall submit a report no later than 180 days after a committee request is received. A requester may ask for the report sooner when needed, as may be the case where there is a short comment period or hearing schedule. The Comptroller General's report shall include an evaluation of the benefits of the rule, the costs of the rule, alternative regulatory approaches, and any cost-benefit analysis, risk assessment, and federalism assessment, as well as a summary of the results of the evaluation and the implications of those results for the rulemaking.

It is my hope that the ''Truth in Regulating Act'' will encourage Federal agencies to make better use of modern decisionmaking tools, such as cost-benefit analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate and now the House could approve it with broad bipartisan support. The Truth in Regulating Act is based on two initiatives—a bill originally sponsored by Senator RICHARD SHELBY with Senators LOTT and BOND, as well as a similar measure that I sponsored with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. I particularly appreciate that my colleagues on the other side of the aisle worked with me to pass this legislation. From the beginning, Senator BLANCHE LINCOLN made this a bipartisan initiative by joining me as cosponsor. Later, Senator JOSEPH LIEBERMAN, the Ranking Member of the Governmental Affairs Committee, worked with me to resolve his concerns before the Committee markup. This led the way for passage of this legislation through the Governmental Affairs Committee by voice vote and through the Senate by unanimous consent.

Congresswoman SUE KELLY first proposed a bill for the congressional review of regulations in the 105th Congress. After the Senate passed S. 1198 by unanimous consent in May of this year, Chairman DAN BURTON of the Government Reform Committee advanced the bill through the House. I

want to thank Chairman BURTON for his leadership as well as SUE KELLY for her hard work that led to the final passage of the Truth in Regulating Act in the House.

I congratulate my colleagues in the House and Senate for pulling together to get the job done.

ON DELAYS IN SENATE CONSIDERATION OF H.R. 5107

Mr. LEAHY. Mr. President, all Democrats have cleared for final passage H.R. 5107, the Work for Hire and Copyright Corrections Act of 2000. I hope that the Senate will take up H.R. 5107 without further unnecessary delay. Representatives BERMAN and COBLE deserve credit, along with the interested parties, for working out a consensus solution in their work for hire copyright legislation. I do not know why the Senate has not confirmed their work and accorded their bill consent for final passage. Why the Republican majority has not taken up this measure since the middle of last week is another unexplained mystery.

As has been true with our bipartisan bill to provide bulletproof vest grants to law enforcement, S. 2014, and its House-passed counterpart, H.R. 4033, all Democrats have cleared these matters for Senate action. As has been true for some time with the Violence Against Women Act of 2000, S. 2787, all Democrats have cleared these matters for Senate action. The same is true with respect to S. 1796, the Justice for Victims of Terrorism Act, all Democrats have cleared these matters for Senate action. There are so many bills cleared by the Senate Democrats being held hostage without explanation by the Republican majority, it is hard to know where to begin and where to end. Here is this last week of the session the Senate could be making progress on a number of items but we remained stymied.

I regret that Congress did not complete its necessary work on the required appropriations bills before the beginning of the new fiscal year. We are again requiring the Government to exist from continuing resolution to continuing resolution. Along with the American people, I hope that we will complete our work before too much longer.

NBC AND FOX AND THE PRESIDENTIAL DEBATES

Mr. DORGAN. Mr. President, I also wish to say a word today about NBC and Fox, the two television networks that have decided they would not broadcast the Presidential debates live. I think it is deplorable, really, that networks, that use the public airwaves, and have some responsibility here with respect to the public good and public interest, have decided that Presidential debates are not important enough to preempt other programming.

I notice that NBC said its local affiliates could make their own judgment. It is not as if NBC, according to Mr. Kennard, the Chairman of the Federal Communications Commission, has not interrupted regular programming previously. In fact, they have interrupted sports programming previously. NBC, last evening, said: We have a contract to show a New York Yankees-Oakland Athletics playoff game. So they did not really want to, on a national basis, show the Presidential debate live. They did allow their affiliates to make that decision.

Mr. Kennard points out in an op-ed piece in the New York Times that in 1994 NBC was showing the NBA finals, the basketball finals, but they cut away from the basketball finals to follow that white Bronco that was meandering around the highways of Los Angeles with O.J. Simpson in the backseat. So they were able to cut away from the NBA finals to deal with the O.J. Simpson saga in that white Bronco, we remember so well, but they could not cut away from a playoff game—not the World Series; a playoff game—in baseball to televise the Presidential debate.

Fox News is another story. They did not give their affiliates any choice. From their standpoint, ''Dark Angel'' was important last night, entertainment programming. Apparently Fox News' entertainment programming is more important than televising the Presidential debates for the American people.

I agree with Bill Kennard, the Chairman of the Federal Communications Commission. He wrote a piece that says: ''Fox and NBC Renege on a Debt.'' It seems to me, in this country we ought to take this system of ours seriously. Presidential debates are very important. They have a wonderful and hallowed tradition in this country. It seems to me that television networks have a responsibility to the American people to provide live coverage of those debates.

I regret that NBC did not. And I would say to the NBC affiliate in Washington, DC, they decided to carry the debate. Thank you for doing that. Good for them. But Fox News did not give any of their affiliates that choice. I think they have made the wrong choice.

VISIT BY FORMER MEMBERS OF CONGRESS TO CUBA

Mr. DODD. Mr. President, today I join with my colleague Senator ROBERTS to draw attention to a most interesting report on our country's policy toward Cuba. Some of my colleagues may know that a bipartisan group of former Members of Congress traveled to Cuba in September on a fact-finding mission for the United States Association of Former Members of Congress. These four former members, John Brademas, Larry LaRocco, Fred Grandy, and Jack Buechner, did not travel as a group officially invited by the Cuban Government, but rather traveled on tourist visas, a distinction that allowed the delegation more flexibility to meet with representatives of a wide cross section of Cuban society, including religious and cultural leaders, as well as ordinary Cuban citizens.

Upon returning to the United States, the delegation wrote a detailed report concerning their visit to Cuba, and their recommendations on U.S.-Cuban policy. Remarkably, the recommendations contained in the report were unanimous, and were markedly similar to the recommendations made by two previous delegations in 1996, and 1999.

The report, which was released on September 5, states that ''United States policy toward Cuba should be addressed on the basis first, of what is best for U.S. national interests, and second, what is best for Cuba and the Cuban people.'' It goes on to observe that, as a policy aimed at bringing about political change in Cuba, the regimen of comprehensive sanctions and the embargo have become increasingly anachronistic. It calls upon Congress and the Administration to begin a phased reduction of sanctions against Cuba, and a first step, recommends that current legislation on Capitol Hill to remove all restrictions on the sales or gifts of food and medicines be enacted. The report concludes with the observation that the delegation found ''solid support among key independents'' in Cuba for this action.

Among other recommendations, the delegation suggested that the United States establish a bank in Havana to authorize the sale of food and medicine, that additional direct flights between the U.S. and Cuba be facilitated, and steps taken to improve Internet communication between the two countries.

These recommendations were based on the perception by the traveling delegation that the embargo on food and medicine is hurting common Cuban citizens while failing to advance U.S. national security interests on the island. The consensus in Cuba is that Fidel Castro is not being affected by this embargo—he has all the food and medicine he needs. The Cuban people recognize that the embargo hurts only themselves, and are actively seeking help from the United States.

As we approach the final days of this session, hard-fought progress toward an easing of the embargo may still bear fruit. While the Senate considers important legislation in this area, I urge my colleagues to read both the excerpts of the report at the end of my speech and the full text of the Association report, which is available from the

United States Association of Former Members of Congress at 330 A Street, N.W., Washington, D.C. 20002. With that, Mr. President, I ask unanimous consent that portions of the delegation's report be printed in the RECORD.

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

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

We, the four members of a delegation of the United States Association of Former Members of Congress (AFMC), visited Cuba from May 26 to June 3, 2000, to explore firsthand the current political, social and economic realities in that country and to consider what steps might be taken to improve relations between Cuba and the United States. Before traveling we were briefed by officials in the Department of State, key Members of Congress, leaders of non-governmental organizations (NGOs) and officials of the Cuban Interests Section in Washington, DC. The report you hold in your hands reflects the collective deliberations of the delegation, and lists six specific recommendations that we all endorse. As you will see, we did not attempt to tackle every issue involved in relations between our countries; in order to make concrete and well-founded recommendations, we focused on a core of matters that seemed particularly significant to us.

This fact-finding trip was the third and last in a series funded by a grant from the Ford Foundation to the AFMC. The other two trips were made in December 1996 and January 1999. Our recommendations closely parallel those of the previous two bipartisan delegations. To date, 15 former Members of Congress (eight Republicans and seven Democrats) have traveled to Cuba on these Ford Foundation-sponsored missions. The recommendations of all three delegations have been unanimous and are remarkably similar in terms of their implications for U.S. policy.

Unlike the two previous delegations, we did not travel as a group officially invited by the Cuban Government. We had the appropriate documentation from the United States Government, including a license from the Department of Treasury's Office of Foreign Assets Control. Although the Cuban government did not extend an official invitation to the delegation, we were issued tourist visas.

The unofficial character of the visit allowed us to control our own time, to have a wide variety of meetings and to gain a much better idea of what a cross-section of the Cuban population thinks. Unencumbered by the protocol demands that normally accompany an officially approved trip, we were free to visit a range of independent organizations, art centers, church and church-sponsored groups and research centers. We were also able to attend church services, visit markets, travel into the countryside and talk freely to private citizens. The people we met with ranged from an average woman attending an Elián González rally whom we engaged in spontaneous conversation to Cuba's Minister of Foreign Affairs; from the tour guide of the Partagás cigar factory in Old Havana to the Papal Nuncio; from the director of the government-sponsored cultural organization Casa de las Américas to the head of the Roman Catholic relief organization, Caritas; from an urban planner sympathetic to the current regime in Cuba to some of the most controversial figures—including Marta Beatriz Roque, René Gómez Manzano, and Felix Bonne—and independent journalists living in that country today.

On the ground in Cuba, we heard a remarkably diverse array of voices and observed a highly complex set of political and social circumstances; nonetheless, we submit this report in the conviction that the implementation of our recommendations can only further the interests of both the United States and the people of Cuba.

JOHN BRADEMAS,
D—Indiana.
J. BUECHNER,
R—Missouri.
FRED GRANDY,
R—Iowa.
LARRY LAROCCO,
D—Idaho.

RECOMMENDATIONS

Our recommendations are based on our extensive discussions during our trip to Cuba. Our recommendations closely parallel those of the two previous bipartisan delegations of the U.S. Association of Former Members of Congress.

1. Congress and the administration should begin a phased reduction of sanctions legislation, as defined in the Cuban Democracy Act of 1992 (PL 102–484) and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Helms-Burton, PL 104–114). As a first step, current legislation on Capitol Hill (H.R. 3140 and S. 2382) to remove all restrictions on the sales (for gifts) of food and medicines should be enacted.

2. Serious consideration should be given to the establishment of a U.S. bank in Havana if legislation to authorize the sales of food and medicine is approved by Congress and the Administration.

3. Opportunities for people-to-people contact between citizens of the United States and Cuba should be expanded, particularly through two-way exchanges in the fields of education and culture. More links between educational, cultural and non-governmental institutions in our two countries should also be established.

4. The current ceilings on annual remittances from the United States to Cuba should be raised significantly, if not eliminated.

5. Steps should be taken to facilitate direct fights between the United States and Cuba.

6. Steps should be taken to improve Internet communication between the citizens of both countries. Initiatives aimed at enabling Cuban citizens to gain greater access to the Internet should be encouraged, and support should be given to individuals and entities involved in the creation of websites and other electronic platforms aimed at improving mutual understanding between the peoples of the United States and Cuba.

SUPPORT FOR FEDERAL-STATE-PARTNERSHIPS RELATIVE TO SCHOOL MODERNIZATION

Mr. JOHNSON. Mr. President, I rise to express my strong support for initiatives to create a federal-state-local partnership relative to public school construction and renovation throughout America. At a time when unprecedented budget surpluses are being projected by budget leaders at both the White House and in Congress, it seems clear to me that some modest portion of these funds ought to be used to assist our school districts. In South Dakota, it has become increasingly difficult to pass school bond issues, given the fact that real estate taxes are already too high and our state's agricultural economy has been struggling. The result is an enormous backlog of school construction needs, and the costs of repair and replacement only increase with each passing year.

To propose a new school construction partnership is not to suggest some sort of ''federalization'' of K–12 public education. The decisions as to whether to replace or repair a school would remain with the local school districts where they belong, and by far the largest share of the expense would continue to be met by local taxpayers. Even so, a federal effort to reduce interest costs or otherwise participate in reducing the total cost of school construction could often times make the difference between a successful project or none at all. If the federal government were to simply block grant these funds, the dollars would have to be disbursed in such a broad manner that no school district would receive a sufficient amount of help to seriously make a real difference.

While I appreciate that school construction assistance must be targeted to help needy school districts first, I do want to convey my strong opinion that the eligibility requirements for a federal-local partnership should not be so restrictive as to eliminate the possibility of many of our school districts from participating. South Dakota has a great many school districts which are not completely impoverished, but yet find it almost impossible to pass a bond issue and otherwise adequately fund their education programs. This program should apply to more than just the extreme poverty situations of inner urban areas and remote rural areas. It should apply as well to the many small and medium size communities all across our country that seriously struggle with school construction and renovation needs.

I applaud and support these efforts to invest a small portion of our Nation's wealth in improved educational opportunities and facilities for all—this investment now, will result in improved academic performance, better citizenship and a stronger economy for generations to come.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. 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.

October 4, 1999:

Darius Bradley, 18, Baltimore, MD; Joseph Booker, 21, Chicago, IL; Vincent Dobson, 22, Baltimore, MD; Frank Garner, 22, Kansas City, MO; Larry D. Hadley, 43, Madison, WI; Joseph Hall, 20, Detroit, MI; Arthur Harris, 39, Houston, TX; Kendall Hawks, 18, Baltimore, MD; Clarence Jackson, 21, New Orleans, LA; Derrick Jacque, 24, New Orleans, LA; Jasul Johnson, 23, Philadelphia, PA; Charlotte Lindsey, 50, Memphis, TN; James McClinton, 24, Chicago, IL; Richard Mitchell, 51, Detroit, MI; Shawn Moore, 25, New Orleans, LA; Cedric Outler, 41, Miami-Dade County, FL; Zawakie Walker, 23, Detroit, MI; Darieus Washington, 31, Baltimore, MD; William Wilson, 24, Baltimore, MD; and Unidentified male, 72, Nashville, TN.

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.

ISSUES OF IMPORTANCE TO WOMEN

Ms. LANDRIEU. Mr. President, I would like to speak on a pending piece of legislation that I believe requires our urgent attention. The fact that the leadership has not acted to bring this bill to the floor is of great concern to me. While I understand that our time is short and our list is long, the Re-authorization of the Violence Against Women's Act should be on the list of priorities for this Congress. I urge the leadership not to allow another day to pass and to bring this bill to the floor for our immediate consideration.

In 1994, with the President's strong support, Congress passed the landmark Violence Against Women Act, which established new Federal criminal provisions and key grant programs to improve this nation's criminal justice system's response to domestic violence. Since that time, the number of crimes against women has decreased. A recent report by the Bureau of Justice Statistics shows that the number of women experiencing violence at the hands of an intimate partner declined 21 percent from 1993 to 1998. Under this bill, the Federal Government has awarded $1.6 billion dollars, $24 million of which went to support programs in the State of Louisiana, to help support the efforts of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs. The National Domestic Violence Hotline, established with funds from this Act, has received more than 500,000 calls since it began operating.

While I think the success of this Act alone is an important reason to support its continuation, it is not why I stand here today. Although the number of women murdered by an intimate partner is the lowest it has been since 1976, still, 3 out of 4 victims murdered last year were female. Tremendous strides have been made, but domestic violence and crimes against women continue to devastate the lives of many women and children throughout our country.

In fact, in May of this year, one week after Mother's Day, a Louisiana woman, Jacqulene Gersfeld, was gunned down by her husband just outside a Gretna courthouse. The couple had a history of violence and friends reported that this was not the first time Jacqulene's husband, Marvin, had threatened to kill her. Far too often, abused women are afraid, and many times for good reason, to remove themselves from these abusive relationships, but not Jacqulene, she sought help, obtained a protective order and filed for divorce. She left that courtroom believing that her days of living in fear were over and that her husband could no longer harm her. But she was wrong.

I am sad to say that Jacqulene's story is not unique. In New Orleans alone, the Domestic Violence help line receives 16,000 calls for assistance a year. Of the total women's homicide rate, 46 percent of those deaths are attributed to domestic violence. And that is just one city in my state. I am certain that every one of my colleagues could come to this floor and tell of a woman in their state whose fate was that of Jacqulene's. As citizens of the greatest democracy in the world, we cannot stand idly by and watch these stories unfold. The need for the services provided for under the Violence Against Women Act are needed now more than ever. Women like Jacqulene must be protected from the wrath of their estranged abusers. They must know that there are people willing to help them and their children escape the abuse and start a new life.

While domestic violence may be dismissed by some as an issue that affects only women, it is not, it is an issue that affects us all. Studies show that a child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next. A significant number of young males in the juvenile justice system were from homes where violence was the order of the day. Family violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity. In fact, the majority of welfare recipients have experienced domestic abuse in their adult lives and a high percentage are currently abused.

My Colleague from Delaware, Senator BIDEN, and I have cosponsored legislation to reauthorize the Violence Against Women Act. If Congress fails to reauthorize VAWA, many critical programs may be jeopardized. Reauthorization legislation, which has broad bipartisan support will help to: maintain existing programs, expand investigation and prosecution of crimes against women; provide greater numbers of victims with assistance; maintain and expand the domestic violence hotline, shelter, rape prevention, and education programs; and support effective partnerships between law enforcement, victim advocates and communities.

Again, I am disappointed that this Congress is quickly coming to a close and this bill is still waiting for action by the Senate. Several times during the campaign, the leadership has claimed that the issues that are important to women are of the highest priority. I can hardly think of an issue that more directly affects the lives of women and their families than their health and safety.

Since we returned from the August recess, several members have come to the floor and talked about time. The minority leader eloquently detailed the amount of time, or lack thereof, that this body has dedicated to actually doing the work of the American people. The majority leader, on the other hand, has cautioned us that time is limited and we, therefore, must use it wisely. I could not agree more—time is running out and so, it is about time that we ask the Majority to do more than make empty promises. It is about time we question the sincerity of a party when their Presidential candidate needs to be briefed before he can take a stance on legislation to end violence against women. It is about time we do all we can to make good on a promise that we made six years ago to victims like Jacqulene. While it is too late for us to help her, we owe to the hundreds and thousands of others like her to act quickly. I implore my colleagues not to let time run out for the millions of women whose lives could be saved by this legislation.

REQUEST FOR PRINTING OF THE ECSTASY ANTI-PROLIFERATION ACT OF 2000 IN THE CONGRESSIONAL RECORD

Mr. GRAHAM. Mr. President, on 23 May 2000, I introduced the Ecstasy Anti-proliferation Act of 2000, now known as S. 2612. The original bill text was not printed in the CONGRESSIONAL RECORD for that day. I am resubmitting the original text of the bill and ask unanimous consent that the text be printed in the CONGRESSIONAL RECORD.

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

S. 2612

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 ''Ecstasy Anti-Proliferation Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illegal importation of 3,4-methylenedioxy methamphetamine, commonly referred to as ''MDMA'' or ''Ecstasy'', has increased in recent years, as evidenced by the fact that Ecstasy seizures by the United States Customs Service have risen from less than 500,000 tablets during fiscal year 1997 to more than 4,000,000 tablets during the first 5 months of fiscal year 2000.

(2) Use of Ecstasy can cause long-lasting, and perhaps permanent, damage to the serotonin system of the brain, which is fundamental to the integration of information and emotion, and this damage can cause long-term problems with learning and memory.

(3) Due to the popularity and marketability of Ecstasy, there are numerous Internet websites with information on its effects, production, and the locations of use, often referred to as ''raves''. The availability of this information targets the primary users of Ecstasy, who are most often college students, young professionals, and other young people from middle- to high-income families.

(4) Greater emphasis needs to be placed on—

(A) penalties associated with the manufacture, distribution, and use of Ecstasy;

(B) the education of young people on the negative health effects of Ecstasy, since the reputation of Ecstasy as a ''safe'' drug is it's most dangerous component;

(C) the education of State and local law enforcement agencies regarding the growing problem of Ecstasy trafficking across the United States;

(D) reducing the number of deaths caused by Ecstasy use and its combined use with other ''club'' drugs and alcohol; and

(E) adequate funding for research by the National Institute on Drug Abuse to—

(i) identify those most vulnerable to using Ecstasy and develop science-based prevention approaches tailored to the specific needs of individuals at high risk;

(ii) understand how Ecstasy produces its toxic effects and how to reverse neurotoxic damage;

(iii) develop treatments, including new medications and behavioral treatment approaches;

(iv) better understand the effects that Ecstasy has on the developing children and adolescents; and

(v) translate research findings into useful tools and ensure their effective dissemination.

SEC. 3. ENHANCED PUNISHMENT OF ECSTASY TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

(3) 3,4-methylenedioxy-N-ethylamphetamine; or

(4) any other controlled substance, as determined by the Sentencing Commission in consultation with the Attorney General, that is marketed as Ecstasy and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or and effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine;

(including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), or (4)) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a)—

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties are comparable to the base offense levels for offenses involving any methamphetamine mixture; and

(2) take any other action the Commission considers to be necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the Federal sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect—

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

(2) the dangers associated with unlawful activity involving such substances, including—

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a); and

(D) any other factor that the Sentencing Commission deems appropriate.

SEC. 4. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) gamma-hydroxybutyric acid and its salts; or

(2) the List I Chemical gamma-butyrolactone;

(including an attempt or conspiracy to commit an offense described in paragraph (1) or (2)) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall with respect to each offense described in subsection (a)—

(1) review and amend the Federal Sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of these offenses and the need to deter them;

(2) assure that the guidelines provide that offenses involving a significant quantity of Schedule I and II depressants are subject to greater terms of imprisonment than currently provided by the guidelines and that such terms are consistent with applicable statutory maximum penalties; and

(3) take any other action the Commission considers to be necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall consider—

(1) the dangers associated with the use of the substances described in subsection (a), and unlawful activity involving such substances;

(2) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses, including the dangers posed by overdose; and

(3) the recent increase in the illegal manufacture the controlled substances described in subsection (a).

SEC. 5. EMERGENCY AUTHORITY TO SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate amendments under this Act as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 6. PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO THE MANUFACTURE OR ACQUISITION OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended by adding at the end the following:

''(g) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OR ACQUISITION OF CONTROLLED SUBSTANCES.—

''(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture, acquisition, or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a crime; or

''(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture, acquisition, or use of a controlled substance, knowing or having reason to know that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes an offense.

''(3) PENALTY.—Any person who violates this subsection shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 7. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate,

contain an electronic hyperlink to the Internet website, if any, of the Office of National Drug Control Policy.

SEC. 8. EXPANSION OF ECSTASY AND LIQUID ECSTASY ABUSE PREVENTION EFFORTS.

(a) PUBLIC HEALTH SERVICE ASSISTANCE.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"SEC. 506. GRANTS FOR ECSTASY ABUSE PREVENTION.

''(a) AUTHORITY.—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

''(1) to carry out school-based programs concerning the dangers of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own antidrug abuse education programs for their schools; and

''(2) to carry out community-based abuse and addiction prevention programs relating to 3,4-methylenedioxy methamphetamine or related drugs that are effective and science-based.

''(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine or related drugs in accordance with paragraph (3).

''(c)(1) DISCRETIONARY FUNCTIONS.—Amounts provided under this section may be used—

''(A) to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine or related drugs and targeted at populations that are most at risk to start abuse of 3,4-methylenedioxy methamphetamine or related drugs;

''(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs;

''(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine or related drugs;

''(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community antidrug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs, and the options for treatment and prevention;

''(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs;

''(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine or related drugs, and reporting and disseminating resulting information to the public; and

''(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

''(2) PRIORITY.—The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in abuse and addiction to 3,4-methylenedioxy methamphetamine or related drugs.

''(d)(1) PREVENTION PROGRAM ALLOCATION.—Not less than $500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

''(2) REPORT.—The Administrator shall submit an annual report containing the results of the analyses and evaluations conducted under paragraph (1) to—

''(A) the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

''(e) AUTHORIZATION.— There is authorized to be appropriated to carry out this subsection—

''(1) $5,000,000 for fiscal year 2001; and

''(2) such sums as may be necessary for each succeeding fiscal year.''.

(b) NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.—In conducting the national media campaign under section 102 of the Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801), the Director of the Office of National Drug Control Policy shall ensure that such campaign addresses the reduction and prevention of abuse of 3,4-methylenedioxy methamphetamine or related drugs among young people in the United States.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 3, 2000, the Federal debt stood at $5,653,358,623,363.58, five trillion, six hundred fifty-three billion, three hundred fifty-eight million, six hundred twenty-three thousand, three hundred sixty-three dollars and fifty-eight cents.

Five years ago, October 3, 1995, the Federal debt stood at $4,975,626,000,000, four trillion, nine hundred seventy-five billion, six hundred twenty-six million.

Ten years ago, October 3, 1990, the Federal debt stood at $3,254,159,000,000, three trillion, two hundred fifty-four billion, one hundred fifty-nine million.

Fifteen years ago, October 3, 1985, the Federal debt stood at $1,823,105,000,000, one trillion, eight hundred twenty-three billion, one hundred five million.

Twenty-five years ago, October 3, 1975, the Federal debt stood at $547,355,000,000, five hundred forty-seven billion, three hundred fifty-five million, which reflects a debt increase of more than $5 trillion—$5,106,003,623,363.58, five trillion, one hundred six billion, three million, six hundred twenty-three thousand, three hundred sixty-three dollars and fifty-eight cents during the past 25 years.

ADDITIONAL STATEMENTS

CONGRATULATING THE NEW YORK METS AND THE NEW YORK YANKEES ON THEIR SUCCESSFUL SEASONS

• Mr. MOYNIHAN. Mr. President, I rise to congratulate both New York professional baseball clubs, the Mets and the Yankees, on yet another outstanding season of play. And as any fan will know, the season has only just begun. With the ''Amazin's'' capturing in fine form the National League Wild Card and the ''Bronx Bombers'' winning the American League East Division for the fourth time in the last five years, the most exciting time of the year is now upon us. New Yorkers look forward to their first ''subway series'' since 1956, when the Yankees beat the then-Brooklyn Dodgers in seven games and Don Larson threw the only perfect game in World Series history. We will cheer for our revered teams like no time since.

First, however, the Mets head west to take on the San Francisco Giants, a team they had some trouble with earlier in the season and a team to be reckoned with. But the Mets have picked up a lot of steam in recent weeks and finished the regular season winning five straight. Indeed, riding the arms of Al Leiter and Mike Hampton, and the bats of Benny Agbayani and the venerable Mike Piazza, the Mets are as strong as they have been in years and couldn't be more ready for the Giants or whomever they may face next.

The Yankees, on the other hand, have had a tough time of it lately. Losing their last 15 of 18 games, one might say they did not so much race into the playoffs as limp. But this team is nowhere near down, nor anywhere near out. No franchise in the history of the game has had such achievement. To regain their championship form, they will rely on veteran and newcomer alike. Stalwarts such as Bernie Williams, Derek Jeter, and Scott Brosius have proven a winning combination along with a seasoned pitching staff including Andy Pettitte, Mariano Rivera and ''The Rocket'' Roger Clemens. Add to this already formidable lineup Glenallen Hill, Jose Canseco, and David Justice and the Yankees ought not be counted out as they seek to claim their 26th World Championship

With this in mind, I along with my fellow New Yorkers, and Mets and Yankees fans everywhere, wait not so patiently, cheer not so quietly, knowing that we may again have our subway series. Good luck Mets and Yankees!•

HONORING KELO-LAND TV

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate KELO-LAND TV of Sioux

Falls, South Dakota for receiving the prestigious national Emmy award for it's Tradition of Caring'' public service announcement.

The Emmy awards nobly serve as a gateway to focusing the public's attention on cultural, educational, and technological advances in the television industry. Specifically, the purpose of the award for the Public Service Announcement—Campaign category is to recognize special achievements of the television media establishment based on their unmatched ability to achieve excellence and originality. Within this category, the outstanding achievements KELO-TV made in it's ''Tradition of Caring'' public service announcement led them to be chosen as first among four national finalists at the presentation of the Emmy awards in New York City.

The ''Tradition of Caring'' public service announcement culminates three outstanding years of active community involvement by all of KELO-LAND TV's employees on behalf of over twenty charitable organizations. The purpose of their public service campaign was to facilitate employee and community involvement in local causes. To effectively implement their campaign, employees were divided into teams based on similar interests with each team focusing on a particular organization within the community. Their personal approach to public service has not only won them an Emmy, but it has significantly helped organizations throughout South Dakota gain positive exposure and financial assistance.

KELO-LAND TV richly deserves this distinguished award. It is an honor for me to share with my colleagues KELO-TV's exemplary leadership and strong commitment to both the development and enhancement of South Dakota's local communities through public service. I strongly commend their advancements in the television industry, and I am very pleased that their substantial efforts have found such extraordinary success.●

TRIBUTE TO DR. EMMETT O. TEMPLETON

● Mr. SHELBY. Mr. President, I rise today to honor Dr. Emmett O. Templeton of Birmingham, Alabama who recently received the American College of Radiology's (ACR) Gold Medal. Dr. Templeton currently chairs the department of radiology at Montclair Baptist Medical Center in Birmingham and continues to faithfully serve the community.

Dr. Templeton is an extraordinary individual who, as Chairman of the board of Chancellors of the American College of Radiology, made a lasting impression on Members of Congress by his straight-talking style. He served his specialty, radiology, and the nation's public policy in health by dealing with problems head-on and working to find solutions. Dr. Templeton has been an asset to all of us in Congress and is deserving of the ACR Gold Medal which recognizes his marvelous achievements.

In addition, I have included the remarks made in the ACR Bulletin about Dr. Templeton and why he has been awarded the Gold Medal.

EMMETT O. TEMPLETON, M.D.

At 53, Emmett ''Neal'' Templeton, M.D., is one of the youngest recipients of the ACR Gold Medal. A unique and talented radiologist, Dr. Templeton is perhaps best known for his outstanding contributions and dedicated service to the college. Never one to toot his own horn, Dr. Templeton's unassuming manner, excellent intermediary talents and astute guidance have earned him the widespread respect of his peers. He has played a significant role in the advancement and success of the ACR and has been an inspiration to many of his colleagues in the southeast.

An ACR Fellow, Dr. Templeton became actively involved with the ACR fewer than 15 years ago, yet has served on more than 20 commissions and committees and participated for several years on many of them. The wide range of committees he has assisted is a reflection of his avid interest in all aspects of radiology, including accurate coding, practice matters and relationships with clinics and hospitals.

''Neal is an unusually bright and charismatic individual, which is immediately evident to those he meets. It is the reason he has so frequently been chosen for leadership,'' says Milton Gallant, M.D., director of radiology at The General Hospital Center at Passaic in New Jersey. ''Leadership opportunities, coupled with unusual statesmanship and hard work, have resulted in his endeavors being uniformly successful.''

Dr. Templeton has selflessly shared his time and counsel in ACR leadership roles, beginning as vice chair for the Commission on Radiologic Practice, The Commission on Economics, the Committee on State and Economic Legislation of the Commission on Economics, the Committee on Coding and Nomenclature and the Commission on Government Relations have all benefitted from his direction as chair. From 1992 to 1994, he served as vice chair of the Board of Chancellors. The following two years he served as chairman of the board while also serving as chairman of the Commission on Government Relations. In 1996 he was elected ACR president.

Bibb Allen Jr., M.D., one of Templeton's partners at Birmingham Radiological Group, saw firsthand the sacrifices Templeton willingly made during his tenure on the Board of Chancellors. ''Neal spent the vast majority of his personal time away from the hospital conducting the business of the college,'' Allen says. ''All radiologists have benefitted from Neal's leadership and skill.''

Dr. Templeton is also a member of the Radiology Residency Review Committee, the AMA Practice Expense Advisory Committee, AMA–CPT Editorial Panel, the Government Relations Oversight Committee and the Practice Expense Advisory Committee panel.

His effective management style has made him an accomplished mediator. He is well known for his concern and support for technologists, office managers and office staff, recognizing the importance of their role in the practice of radiology. According to Barbara E. Chick, M.D., past councilor, chancellor and vice president of the ACR, ''His availability to meet with anyone, at any time, to help problem-solve was a great asset to the field of radiology when the ''turf'' battles were so common.'' Chick adds, ''I believe his keen insight has been beneficial to many practices in their marketing and reimbursement activities.''

Templeton has a unique knowledge of radiologic practice and economic matters. He has been appointed to the boards of HMO and PPO organizations as a result of the model hospital and imaging center practices he has demonstrated in his own practice. One of the highlights of his career was his stewardship of diagnostic imaging centers as an alternative to private office or hospital practice. He was an early expert in this concept during a time when the recognition of radiologists as ''physicians'' was not unequivocal.

Currently chair of the department of radiology at Montclair Baptist Medical Center, Birmingham, Ala., Templeton earned his medical degree from the University of Alabama in 1973 and completed his internship and residency at the University of Alabama's hospitals and clinics. Even after achieving the highest positions in the ACR, he continues to serve the college and radiology ''in the trenches.''

Michael A. Sullivan, M.D., associate chairman of the department of diagnostic radiology at Ochsner Clinic in New Orleans, sums up Templeton's character nicely: ''Neal is a wonderful individual who is forthright, honest and hard-working. He exemplifies the term 'involved radiologist.' ''●

HONORING HARCUM COLLEGE'S 85th ANNIVERSARY

● Mr. SANTORUM. Mr. President, I rise today to recognize the 85th anniversary of Harcum College. The Harcum Post Graduate School was opened by Edith Hatcher, a talented concert pianist, and her husband Octavius Marvin Harcum. Together they chose a venture that would combine her ''talents as an educator and artist and his business vision and ability.'' Harcum College opened its doors on October 1, 1915 in Melville Hall, with three students and five pianos.

In its early years, Harcum was a preparatory school, giving students the skills needed to attend college. Mr. Harcum was the first President, but when he died tragically in a car accident in 1920, Edith assumed the Presidency. She remained in that position for more than 30 years. The college continued to grow, yet it was a proprietary institution and faced financial difficulties. In 1952 it could no longer be run as a profitable enterprise; Edith declared bankruptcy.

The Junto Adult School was a nonprofit educational corporation founded by Benjamin Franklin. It purchased the assets of Harcum and decided to use it as a two-year college for women. Philip Klein assumed leadership, and in 1955, Pennsylvania granted Harcum permission to be the first junior college in the Commonwealth's history to confer the Associate of Arts and Science degrees.

Throughout the years, tremendous expansion of facilities has occurred yet Harcum remains committed to its original philosophies. Harcum College embraces a value system based on four principles: a respect for and appreciation of diversity; the ability to make sound ethical and moral choices; the need to take responsibility for self and others; and a commitment to lifelong learning. All members of the Harcum community are committed to the success of one another.

Harcum College has always placed learning first and is committed to providing individualized educational experiences for a diverse community of learners. Harcum educated students in the arts and occupational skills, and in Mrs. Harcum's words, the college respected each student as an ''individual with personal needs, interests, aptitudes, and aspirations.''

I commend Harcum College for its accomplishments and commitment to education. Harcum has faced many challenges over the years, and I congratulate the institution as it remains an outstanding educational facility.●

2000 NATIONAL DISTINGUISHED PRINCIPALS AWARD

● Mr. MURKOWSKI. Mr. President, I would like to take a moment to congratulate an exceptional elementary school principal, Mr. Karl Schleich of Wasilla, Alaska. He is the 2000 recipient of the National Distinguished Principals Award for Alaska.

The National Distinguished Principals Program (NDP) was established in 1984 as an annual event to honor elementary and middle school principals who set the pace, character, and quality of the education children receive during their early school years. The program is jointly sponsored by the U.S. Department of Education and the National Association of Elementary School Principals (NAESP). It calls attention to the fundamental importance of the school principal in achieving educational excellence for pre-kindergarten through eighth grade students.

Mr. Schleich's reputation for getting things done was established in southeast Alaska when, in his first position as an educational leader, he oversaw the creation of a grade 6–8 middle school in a former grade 7–12 building and then founded a regional association to support others making similar transitions. As an assistant principal, he helped model a middle school program that received statewide and national attention. In his role as principal at Snowshoe Elementary School, he has boosted school improvement efforts, developed and trained staff in schoolwide assessments of writing, reading comprehension, and early literacy skills, as well as portfolios of children's work. Karl Schleich is commended by his colleagues for his uncommon interpersonal skills and energy that he has demonstrated in his 12 years as a principal.

Our Nation's future depends on today's educators. Currently, 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's 12th graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses. This country is in need of more devoted and talented educators. I commend Mr. Schleich for his hard work and dedication to our children. He is educating those who will lead this country in creating, developing, and putting to work new ideas and technology.●

TRIBUTE TO CAPTAIN JOSEPH E. BAGGETT

● Mr. HUTCHINSON. Mr. President, I rise today to recognize and honor Captain Joseph E. Baggett, Judge Advocate Generals' Corps, United States Navy, upon his retirement after twenty-nine years of devoted, active duty service in our great nation's Navy.

Captain Baggett was born into a military family. The son of a career enlisted Marine, Captain Baggett grew up in the presence of the United States Navy in such diverse locations as Naval Air Station Pensacola, Marine Corps Base, Camp Lejeune, and the United Kingdom. Raised with the values of Honor, Courage, and Commitment, and with a family tradition of service, it only made sense that he too would pursue a military career.

Captain Baggett graduated Phi Beta Kappa from Tulane University in May 1971, and entered the Navy through Tulane's Naval Reserve Officer Training Corps. At that time Captain Baggett raised his hand and took his oath to support and defend the Constitution. In the years since that day he has devoted indeed all of his great energy, talent, and intellect to that task. He has been steadfast in his covenant to this nation and his devotion to those with whom he has served. An illustrious career gives eloquent testimony to his service to our country and to our Navy's legal community.

After two tours as a Supply Corps officer, including service onboard USS *Rich* (DD–820), he entered the Navy's Law Education Program and commenced the study of law at Tulane University. After earning his Juris Doctor degree in 1977, his first tour of duty as a Navy Judge Advocate was at Naval Legal Service Office, Jacksonville, Florida where he served as a formidable military prosecutor tirelessly pursuing justice on behalf of the Navy.

Captain Baggett's subsequent tours demonstrate his exceptional talent for international and operational law, his unsurpassed academic credentials, and his desire to serve the Fleet wherever required. In such diverse assignments as Commander Middle East Force onboard USS *LaSalle* (AGF–3) and USS *Coronado* (AGF–11), Commander Iceland Defense Force, and Commander Sixth Fleet, serving onboard USS *Belknap* (CG–26) and USS *Iowa* (BB–61), Captain Baggett's legal acumen and diplomatic skill repeatedly helped safeguard America's Interests and project America's presence in these often complex areas of the world. Interspersed were tours in Navy's Office of Legislative Affairs, the International Law Division of the Office of the Judge Advocate General, and the University of Miami where he earned a Masters of Law degree in Ocean and Coastal Law.

With his vast experience with forward-deployed, operational forces, Captain Baggett was able to quickly contribute to a number of vital, National-level issues in subsequent Washington staff assignments, including tours on the Joint Staff's Strategic Plans and Policy Directorate, as Deputy Assistant Judge Advocate General for International Law, and as the Defense Department Representative for Ocean Policy, where he was pivotal in developing United States policy on a variety of issues, including issues involving the newly formed Russian Federation. With this comprehensive top-level, international legal perspective, Captain Baggett was the obvious choice to become the Counsel for National Security to the Deputy Attorney General of the United States.

Returning to the Fleet as the Senior Staff Judge Advocate for the Commander in Chief, U.S. Atlantic Fleet, Captain Baggett was a major influence in high-level decisionmaking related to all aspects of Fleet operations, including environmental coordination and enforcement, rules of engagement, medical law, military justice, and the legal aspects of shore activity management. Captain Baggett's subsequent tour as the Commanding Officer of the Navy's flagship Naval Legal Service Office, in Norfolk, Virginia, demonstrated once again his exceptional leadership skills. Here he mentored the young men and women of the Navy's legal community about the operational imperatives of the Navy, and constantly stressed the paramount need to serve the Fleet.

Captain Baggett's wealth of expertise of Navy won him the assignment as Director of the Legislation Division in the Navy's Office of Legislative Affairs. In this capacity his consistent sound judgment and flawless tact ensured Navy issues were properly conveyed to Senate Committees and Subcommittees.

Standing beside this officer throughout his career has been his wife Suzanne, a lady to whom he owes much.

She has been his key supporter, devoting her life to her husband, to their two sons, Merritt and Graham, and to the men and women of the Navy family. She has traveled by his side for these many years. Her sacrifice and devotion have served as an example and inspiration for others.

With these words before the Senate, I seek to recognize Captain Baggett for his unswerving loyalty to the Navy and the Nation. The Department of the Navy and the American people have been served well by this dedicated naval officer. He will be missed. He has left the Navy better prepared to face the challenges and opportunities of the 21st century. We thank him and wish Joe, and his lovely wife Suzanne, fair winds and following seas as they continue forward in what will most assuredly remain lives of service to this Great Nation.●

EDWIN J. KUNTZ

● Mr. BURNS. Mr. President, I rise today to announce the passing of an outstanding leader in the agriculture community of Montana. I first met Ed Kuntz and his family in the 1960's. He and his family lived in the small community of Custer, Montana. They farmed small grain, sugar beets and fed cattle. It was a typical diversified farming operation found on the many irrigation projects along the Yellowstone River.

Ed was a little different. He was not only of the land but was of the people who lived on the land and called it home. Just another average American of the silent Americans who served this country when asked and served his community when no one else would. Average? Not at all. Nothing could be further from the truth.

His service to his community and neighbors did not stop at the county line. He was an excellent farmer and stockman. His love and respect for the sugar industry took him to national leadership where he was one of their most respected leaders. With the demands on the farm and dedication to a family, he still found time to work for the sugar beet industry not only for himself but his neighbors. I know first hand the impact he had on this town of Washington as he represented the many sugar growers across the country.

He was born May 3, 1926 in Billings, Montana. He was educated and graduated from Custer High School in 1944 and enlisted in the Army Air Corps and trained as a gunner on a B–17. While on furlough, he married his high school sweetheart, Peg Qusest. This December they would have been celebrating being married 56 years.

Ed became a director on the Mountain States Beet Growers Association and served 35 years on that board. He was treasurer for more years than anybody can count and president for 10 years. He also served on the board of directors of the American Sugar Beet Association in Washington, D.C. and devoted many hours away from the farming operation and family.

He is survived by his wife, Peg of Custer, Montana, a daughter, Belva; 2 sons, Rick and Cody.

By paying our respect to Ed Kuntz, we acknowledge the unsung leaders across this land who silently build a nation every day. He was just one that has been described as being a part of the greatest generation.●

TRIBUTE TO GENERAL ANTHONY ZINNI, USMC (RET.)

● Mr. WARNER. Mr. President, I rise today to pay tribute to General Anthony Zinni, United States Marine Corps, on the occasion of his completion of a successful tour of duty as Commander in Chief, United States Central Command, and his retirement from active duty after 36 years of loyal service. I offer these remarks with great respect for General Zinni, a true American patriot and a Marine's Marine.

General Zinni is a remarkable individual, a distinguished combat soldier, and an inspiring, uncompromising leader. During his 36 year military career, General Zinni's intellect, candor, and unshakeable optimism have had a profound, positive influence on the U.S. Armed Forces from the Quang Nam province of Vietnam to the sheikdoms of the Middle East, and a hundred points in between. A life long adventure that began in a small Pennsylvania town on the banks of the Schuykill River has taken him around the world and to the top echelons of military leadership.

A first generation American, General Zinni began his service to the nation in 1961. His father, Antonio Zinni, who immigrated from Italy and fought for his adopted country in the trenches of France in World War I, and his mother, Lilla, instilled in General Zinni an unconditional devotion to the principles of American freedom and liberty and a profound respect for military service. On his first day of classes at Villanova University, with the lessons of his parents in mind, General Zinni joined the Marine Corps. From the Augustinians and the Marine Corps Drill Instructors, General Zinni developed an intellectual prowess and professional military acumen that would distinguish him as a ''cut above'' throughout his career.

Beginning with two combat tours in Vietnam, General Zinni embarked on a series of assignments that reflect the myriad missions to which the military has been deployed in the latter part of the 20th Century—combat operations, humanitarian operations, peacekeeping and peace enforcement. Following Vietnam, General Zinni participated in humanitarian relief operations in the Philippines and in Northern Iraq. He commanded U.S. military forces in Somalia and also commanded the task force responsible for safeguarding the withdrawal of U.N. peacekeeping forces from Somalia in 1995.

In August 1997, General Zinni, recognized as one of the most operationally competent, most experienced and most versatile military leaders in uniform, was selected by the President to be the Commander in Chief of United States Central Command. Following a unanimous confirmation vote by this chamber, General Zinni spent the next three years representing the United States and ensuring the security of U.S. interests in one of the most challenging areas of the world.

As many of my colleagues are aware, United States Central Command encompasses a region that includes 25 nations, extending from Egypt and the Horn of Africa through the Arabian Peninsula and Gulf States, to the newly independent central Asian nations and Pakistan. While abundant in cultural, ethnic and religious diversity, these same enriching features are also the source of deep-rooted, historic animosities—animosities within the region and toward the United States. Guided by his imperative to genuinely understand the unique perspective of a society and his desire to work with the people of the region, General Zinni earned the respect and administration of the area's national leaders. There is no question that he was the right man in the right place at the right time.

While we acknowledge the long list of General Zinni's accolades, we recognize that the challenges of military life are most successfully accomplished as a team effort. General Zinni's wife, Debbie, and their children Lisa, Tony, and Maria have shared the challenges and rewards of General Zinni's military life. The journey which brought General Zinni to Central Command, the hallmark of his distinguished military career, would not have been possible without the unconditional and loving support of his family.

On behalf of a grateful nation, I congratulate you and your family for your service to the Nation, the Armed Forces and to the Marine Corps. Semper Fi! General, as a former Maine, I salute you on the floor of the U.S. Senate.●

IDAHO'S OLYMPIC CHAMPIONS

● Mr. CRAIG. Mr. President, I rise today to congratulate two Idaho athletes who have made America proud in the 2000 Olympic Games.

Stacy Dragila from Pocatello, Idaho soared to the top of her sport, bringing home the gold medal. She pole vaulted fifteen feet, one inch in Sydney, Australia on September 25th. Stacy deserves recognition because she is more

than an athlete. She gives back to her sport by working as an assistant track coach at Idaho State University.

Idahoan Charles Burton is another Idaho Olympian. He finished his round of wrestling competition on October first, coming in at fifth place. Charles wrestled at Centennial High School in Boise and Boise State University. He has been called the ''U.S. Olympic Wrestling Team's most hidden gem,'' and I'm proud he represented our gem state in Sydney.

The hard work and determination of Idaho's Olympic Athletes is an inspiration to us all. They have demonstrated the best of our State and our Nation, and I am proud to congratulate both Stacy and Charles for their personal achievement and the honor in which each represented Idaho and the United States of America.●

TRIBUTE TO LOWELL GUTHRIE

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to my good friend Lowell Guthrie for his commitment to higher education, and his generosity to the students at Western Kentucky University in Bowling Green, Kentucky.

I have had the privilege of knowing Lowell for many years and have witnessed his compassion for others on numerous occasions. Lowell has a kind heart and a giving spirit, and he constantly thinks of ways to improve the quality of life for others. Lowell has built a successful business in Bowling Green and is an active member of the Bowling Green community. He is a leader in education, providing opportunities for his employees and for others whom he does not know by funding scholarships to Western Kentucky University. He has consistently been a contributor to WKU and has now stepped up as a leader in Western's Investing in the Spirit capital campaign with a $1.8 million gift to provide student scholarships and to construct a clock and bell tower on the WKU campus.

The clock and bell tower will stand in ''The Guthrie Plaza'' in memory of Lowell's brother, Sgt. 1st Class Robert Guthrie, an American soldier who died in the Korean War, and it will honor all those associated with WKU who have lost their lives in service to their country. The courtyard area of The Guthrie Plaza will be constructed in honor of Lowell's wife, Judith Carolyn Guthrie.

The tower and courtyard will enhance the appearance of WKU's campus but more importantly it will serve as a reminder to thousands of students and alumni of those who sacrificed their lives so that we may have freedom. Lowell's generosity and his commitment to education will ensure that hundreds of students from all backgrounds will receive a quality education and the opportunity to succeed in whatever field of study they choose.

On behalf of myself and my colleagues in the United States Senate, I offer heartfelt thanks to Lowell and to the entire Guthrie family for their continuing commitment to Western Kentucky University, their community and to the education of America's youth.●

MESSAGES FROM THE HOUSE

At 1:09 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2272. An act to improve the administration, efficiency, and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 238. An act to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and other purposes.

H.R. 284. An act to amend title 38, United States Code, to require employers to give employees who are members of a reserve component a leave of absence for participation in an honor guard for a funeral of a veteran.

H.R. 534. An act to amend chapter 1 of title 9, United States Code to provide for a greater fairness in the arbitration process relating to motor vehicle franchise controls.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 2820. An act to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3484. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

H.R. 3850. An act to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes.

H.R. 4022. An act regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation.

H.R. 4216. An act to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4503. An act to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities.

H.R. 4721. An act to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States.

H.R. 5139. An act to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5331. An act 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.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 64. Concurrent resolution recognizing the severity of the issue of cervical health, and for other purposes.

H. Con. Res. 133. Concurrent resolution recognizing the severity of the disease of colon cancer, the preventable nature of the disease, and the need for education in the areas of prevention and early detection, and for other purposes.

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the federal costs of disaster assistance, and for other purposes, with an amendment to the Senate amendment.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 4942) 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, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. ISTOOK, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. ADERHOLT, Mrs. EMERSON, Mr. SUNUNU, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. DIXON, Mr. MOLLOHAN, and Mr. OBEY, be the managers of the conference on the part of the House.

At 3:18 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, in which it requests the concurrence of the Senate:

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GILCHREST, Mr. DEFAZIO, and Mr. BAIRD, be the managers of the conference on the part of the House.

The messages further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That the following Members be the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, Mr. BISHOP, Mr. SISISKY, Mr. CONDIT, Mr. ROEMER, and Mr. HASTINGS of Florida.

ENROLLED BILLS SIGNED

At 5:32 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 302. An act for the relief of Kerantha Poole-Christian.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

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–10978. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Management and Accounting Deficiencies in the District's Excess and Surplus Property Program''; to the Committee on Governmental Affairs.

EC–10979. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''District's Privatization Initiatives Flawed by Noncompliance and Poor Management''; to the Committee on Governmental Affairs.

EC–10980. A communication from the Acting Director of the Office of Government Ethics, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2001–2006; to the Committee on Governmental Affairs.

EC–10981. A communication from the Executive Director of the Advisory Council on Historic Preservation, transmitting, pursuant to law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC–10982. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Andalusia, Alabama and Holt, Florida)'' (MM Docket No. 00–17;RM–9814) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10983. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations, Bristol, Vermont'' (MM Docket No. 99–260, RM–9686) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10984. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Rangely, Silverton and Ridgway, Colorado)'' (MM Docket No. 99–151) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10985. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations Rocksprings, Texas'' (MM Docket No. 99–336) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10986. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Pennsylvania; Erie, Illinois; and Due West, South Carolina)'' (MM Docket No. 00–60; 00–61; and 00–62) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10987. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Pitkin, Lake Charles, Moss Bluff and Reeves, LA, and Crystal Beach, Galveston, Missouri City and Rosenberg, TX)'' (MM Docket No. 9926) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC––10988. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Jacksonville, GA, Las Vegas, NM, Vale, OR, Waynesboro, GA, Fallon, NV, Weiser, OR)'' (MM Docket Nos. 00–84, RM–9855; 00–85, RM–9868; 00–86, RM–9869; 00–89, RM–9872; 00–111 , RM–9900; 00–112, RM–9901) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10989. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Fourth Memorandum Opinion and Order in CC Docket 94–102 Regarding Enhanced 911 Emergency Calling Systems'' (FCC 00–326, CC Doc. 94–102) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10990. A communication from the Chief, Office of Plans and Policy, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Compatibility Between Cable Systems and Consumer Electronics Equipment'' (PP Doc. 0067, FCC 00–342) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10991. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices'' (ET Docket No. 99–231, FCC 00–312) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10992. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services, Third Memorandum Opinion and Order'' (FCC 99–138, PR Docket No. 92–235) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10993. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Air Tour Operations in the State of Hawaii ; docket no. 27919; SFAR 71 [9–29/9–28]'' (RIN2120–AG44) (2000–0001) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10994. A communication from the Assistant Bureau Chief, Management, International Bureau Telecommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Order on Reconsideration in the Matter of Rules and Policies on Foreign Participation in the U.S. Telecommunications Market'' (IB Docket No. 97–142, FCC 00–339) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10995. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''NASA 2000 Strategic Plan''; to the Committee on Commerce, Science, and Transportation.

EC–10996. A communication from the Secretary of Defense, transmitting, a notice relative to three retirements; to the Committee on Armed Services.

EC–10997. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of Multiple Support Functions at Randolph Air Force Base, Texas; to the Committee on Armed Services.

EC–10998. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the strategic plan for 2000–2005; to the Committee on Energy and Natural Resources.

EC–10999. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisin Produced From Grapes Grown in California; Decreased Assessment Rate'' (Docket Number: FV00–989–5 IFR) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11000. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading'' (RIN0581–AB89) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11001. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacture of Roll-Your-Own Tobacco (98R–370P)'' (RIN1512–AB92) received on October 2, 2000; to the Committee on Finance.

EC–11002. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on the Andean Trade Preference Act (ATPA); to the Committee on Finance.

EC–11003. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth-in-Lending)'' (R–1070) received on September 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11004. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas'' (RIN2501–AC75) (FR–4606–I–01) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11005. A communication from the Executive Director of the Emergency Oil and Gas Guaranteed Loan Board, transmitting, pursuant to law, the report of a rule entitled ''Emergency Oil and Gas Guaranteed Loan Board; Financial Statements'' (RIN3003–ZA00) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11006. A communication from the Executive Director of the Emergency Steel Loan Guarantee Board, transmitting, pursuant to law, the report of a rule entitled ''Emergency Steel Loan Guarantee Program; Participation in Unguaranteed Tranche'' (RIN3003–ZA00) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11007. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds; to the Committee on Health, Education, Labor, and Pensions.

EC–11008. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 1999–2004; to the Committee on Health, Education, Labor, and Pensions.

EC–11009. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the strategic plan for 2000–2005; to the Committee on Health, Education, Labor, and Pensions.

EC–11010. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Administrative Practices and Procedures; Good Guidance Practices'' (Docket No. 99N–4783) received on October 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11011. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Gastroenterology and Urology Devices; Effective Date of Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device'' (Docket No. 94N–0380) received on October 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11012. A communication for the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the fiscal year 1996 Low Income Home Energy Assistance Program (LIHEAP); to the Committee on Health, Education, Labor, and Pensions.

EC–11013. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the fiscal year 2001–2006 strategic plan; to the Committee on Health, Education, Labor , and Pensions.

EC–11014. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised 15% Plan for Northern Virginia Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area'' (FRL #6880–8) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11015. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Identification of Approval and Disapproved Elements of the Great Lakes Guidance Submission From the State of New York, and Final Rule'' (FRL #6881–9) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11016. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to North Carolina State Implementation Plan; Technical Correction'' (FRL #6881–1) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11017. A communication from the Director of the Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission , transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Policy'' received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11018. A communication from the Director of the Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Agency, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Civil Penalties for Inflation/Miscellaneous Administrative Changes'' (RIN3150–AG59) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11019. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, the fiscal year 1999 DOD Superfund Financial Transactions; to the Committee on Environment and Public Works.

EC–11020. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''National Air Toxics Program: The Integrated Urban Strategy''; to the Committee on Environment and Public Works.

EC–11021. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the South Sacramento County Streams, California; to the Committee on Environment and Public Works.

EC–11022. A communication from the Secretary and the Deputy Secretary of the Department of Housing and Urban Development, transmitting jointly, pursuant to law, a report relative to the fiscal year 2000–2006 strategic plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–11023. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001–2005; to the Committee on Governmental Affairs.

EC–11024. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11025. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 3, 2000; to the Committee on Governmental Affairs.

EC–11026. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Rev. Proc. 78–37'' (Rev. Proc. 2000–41) received on October 3, 2000; to the Committee on Finance.

EC–11027. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic approval of changes in funding methods'' (Revenue Procedure 2000–40) received on October 3, 2000; to the Committee on Finance.

EC–11028. A communication from the Administrator of the Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Rice Crop Insurance Provisions'' received on October 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11029. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of Expiration Date for the Respiratory Body System

Listings'' (RIN0960–AF42) received on October 3, 2000; to the Committee on Finance.

EC–11030. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Landing requirements for passengers arriving from Cuba'' (RIN1115–AF72) (INS. No. 2045–00) received on October 3, 2000; to the Committee on the Judiciary.

EC–11031. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electronic Filing of Documents'' received on October 3, 2000; to the Committee on Energy and Natural Resources.

EC–11032. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to voluntary commitments to accelerate the introduction of alternative fuel vehicles (AFVs); to the Committee on Energy and Natural Resources.

EC–11033. A communication from the Deputy Assistant Secretary of Defense (Equal Opportunity), 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'' (RIN1190–AA28) received on October 3, 2000; to the Committee on Armed Services.

EC–11034. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom; to the Committee on Foreign Relations.

EC–11035. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11036. A communication from the Director of the Office of Equal Opportunity Programs, Agency for International Development, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN0412–AA45) received on October 3, 2000; 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–626. A resolution adopted by the City Commission of Ft. Lauderdale, Florida relative to the Comprehensive Everglades Restoration Plan; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Rept. No. 106–483).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1109: A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes (Rept. No. 106–484).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2417: A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes (Rept. No. 106–485).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1697: A bill to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982 (Rept. No. 106–486).

S. 1756: A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes (Rept. No. 106–487).

S. 2163: A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington (Rept. No. 106–488).

S. 2882: A bill to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes (Rept. No. 106–489).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Treaty Doc. 106–47 Investment Treaty With Azerbaijan (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106–42), subject to the declaration of subsection (a) and the proviso of subsection (a).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–25 Investment Treaty With Bahrain (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999 (Treaty Doc. 106–25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advise and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–26 Investment Treaty With Bolivia (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998 (Treaty Doc. 106–26), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–29 Investment Treaty With Croatia (Exec. Rept No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996 (Treaty Doc. 106–29), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–28 Investment Treaty With El Salvador (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999 (Treaty Doc. 106–28), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–27 Investment Treaty With Honduras (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995 (Treaty Doc. 106–27), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–30 Investment Treaty With Jordan (Exec. Rept No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997 (Treaty Doc. 106–30), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–42 Investment Treaty With Lithuania (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106–42), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–31 Investment Treaty With Mozambique (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, and a related exchange of letters, signed at Washington on December 1, 1998 (Treaty Doc. 106–31), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–46 Protocol Amending Bilateral Investment Treaty With Panama (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 27, 1982, signed at Panama City on June 1, 2000, (Treaty Doc. 106–46).

Treaty Doc. 104-25 Investment Treaty With Uzbekistan (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT.

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994 (Treaty Doc. 104–25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–35 Treaty With Cyprus on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed at Nicosia on December 20, 1999 (Treaty Doc. 106–35), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under the Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–19 Treaty With Egypt on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998 (Treaty Doc. 106–19), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–17 Treaty With France on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, with an Explanatory Note, signed at Paris on December 10, 1998 (Treaty Doc. 106–17), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–18 Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 25, 1999 (Treaty Doc. 106–18), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 102–26 Treaty With Nigeria on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102–26), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–20 Treaty With Romania on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999 (Treaty Doc. 106–20), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence,

anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–36 Treaty With South Africa on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 16, 1999 (Treaty Doc. 106–36), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionality based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–16 Treaty With Ukraine on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, signed at Kiev on July 22, 1998 (Treaty Doc. 106–16), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–25 Inter-American Convention on Mutual Assistance in Criminal Matters With Related Optional Protocol (Exec. Rept. 106–24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters (''the Convention''), adopted at the Twenty-Second Regular Session of the Organization of American States (''OAS'') General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters (''the Optional Protocol''), adopted at the Twenty-third Regular Session of the OAS General Assembly meeting in Managua, Nicaragua, on June 11, 1993, both instruments signed on behalf of the United States at OAS Headquarters in Washington on January 10, 1995 (Treaty Doc. 105–25), subject to the understandings of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) IN GENERAL.—The United States understands that the Convention and Optional Protocol are not intended to replace, supersede, obviate or otherwise interfere with any other existing bilateral or multilateral treaties or conventions, including those that relate to mutual assistance in criminal matters.

(2) ARTICLE 25.—The United States understands that Article 25 of the Convention, which limits disclosure or use of information or evidence obtained under the Convention, shall no longer apply if such information or evidence is made public, in a manner consistent with Article 25, in the course of proceedings in the Requesting State.

(3) PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it may provide under the Convention and/or Optional Protocol so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Convention or the Optional Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–29 United Nations Convention To Combat Desertification in Countries Experiencing Drought, Particularly in Africa, With Annexes (Exec. Rept. No. 106–25).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, With Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994, (Treaty Doc. 104–29) (hereinafter, ''The Convention''), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) FOREIGN ASSISTANCE.—The United States understands that, as a ''developed country,'' pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the provision of any resource, including technology, to any ''affected country,'' as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) FINANCIAL RESOURCES AND MECHANISM.—The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) UNITED STATES LAND MANAGEMENT.—The United States understands that it is a ''developed country party'' as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) LEGAL PROCESS FOR AMENDING THE CONVENTION.—In accordance with Article 34(4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) DISPUTE SETTLEMENT.—The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28(6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) CONSULTATIONS.—It is the sense of the Senate that the Executive Branch should consult with the Committee on Foreign Relations of the Senate about the possibility of United States participation in future negotiations concerning this Convention, and in particular, negotiation of any Protocols to this Convention.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) ADOPTION OF NO RESERVATIONS PROVISION.—It is the sense of the Senate that the ''no reservations'' provision contained in Article 37 of the Convention has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Convention should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—Two years after the date the Convention enters into force for the United States, and biennially thereafter, the Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a description of the programs in each affected country party designed to implement the Convention, including a list of community-based non-governmental organizations involved, a list of amounts of funding provided by the national government and each international donor country, and the projected date for full implementation of the national action program;

(ii) an assessment of the adequacy of each national action program (including the timeliness of program submittal), the degree to which the plan attempts to fully implement the Convention, the degree of involvement by all levels of government in implementation of the Convention, and the percentage of government revenues expended on implementation of the Convention;

(iii) a list of United States persons designated as independent experts pursuant to Article 24 of the Convention, and a description of the process for making such designations;

(iv) an identification of the specific benefits to the United States, as well as United States persons, (including United States exporters and other commercial enterprises), resulting from United States participation in the Convention;

(v) a detailed description of the staffing levels and budget of the Permanent Secretariat established pursuant to Article 23;

(vi) a breakdown of all direct and indirect United States contributions to the Permanent Secretariat, and a statement of the number of United States citizens who are staff members or contract employees of the Permanent Secretariat;

(vii) a list of affected party countries that have been developed countries, within the meaning of the Convention; and

(viii) for each affected party country, a discussion of results (including discussion of specific successes and failures) flowing from national action plans generated under the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–38 Extradition Treaty with Belize (Exec. Report No. 106–26.

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advice and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000 (Treaty Doc. 106–38), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person extradited to Belize from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Belize by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreement Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–4 Extradition Treaty With Paraguay (Exec. Report No. 106–26).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998 (Treaty Doc. 106–4), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XV concerning the rule of Specialty would preclude the resurrender of any person extradited to the Republic of Paraguay from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Paraguay by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–24 Extradition Treaty With South Africa (Exec. Report No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106–24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–34 Extradition Treaty With Sri Lanka (Exec. Report No. 106–26).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington on September 30, 1999 (Treaty Doc. 106–34), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Democratic Socialist Republic of Sri Lanka from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Democratic Socialist Republic of Sri Lanka by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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. HUTCHINSON:

S. 3157. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 3160. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. GRAMM, Mr. KYL, Mr. DOMENICI, Mr. DODD, Mrs. FEINSTEIN, Mr. HOLLINGS, and Mr. SESSIONS):

S. Res. 366. A resolution expressing the Sense of the Senate on the Certification of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

''EDUCATIONAL ASSISTANCE FOR MILITARY CONNECTED CHILDREN ACT OF 2000''

Mr. JEFFORDS. Mr. President, today I am introducing the ''Educational Assistance for Military Connected Children Act of 2000,'' legislation that would transfer from the Department of

Education to the Department of Defense financial responsibility for impact aid payments used to support the education of military dependents.

The impact aid program is authorized as Title VIII of the Elementary and Secondary Education Act (ESEA) of 1965. Unlike other ESEA programs, however, impact aid payments are not used to support specific educational activities. Rather, these payments serve as general aid to local educational agencies to replace tax dollars which are foregone as the result of the presence of the Federal government. For example, Federal property—such as military installations—is not subject to property taxes. In addition, under the terms of the Soldiers' and Sailors' Civil Relief Act of 1940, many military personnel do not pay taxes in the States and localities where their children attend school.

Replacing lost revenues that would otherwise have been available to support local schools is an obligation of the Federal government in those cases where the revenue loss is directly related to Federal action. The Department of Education, through the impact aid program, provides nearly $1 billion each year for this purpose.

Over the past two years, the Committee on Health, Education, Labor, and Pensions has been reviewing all ESEA programs. In the course of that review, I have come to the conclusion that the children of military personnel would be better served if the impact aid provided on their behalf were offered through the Department of Defense.

For one thing, DOD officials are in a far better position than are Education Department personnel to assess the needs of schools on or near military bases and to be aware of activities—such as downsizing or the construction or renovation of base housing—which can have a major effect on the amount of the impact aid assistance available to a school. In many cases, my committee has been asked, after the fact, to address specific impact aid problems which have confronted schools as a result of such decisions.

In addition, problems such as inadequate funding, overcrowded conditions, and lengthy delays in the issuance of impact aid payments could be better addressed if their resolution were the responsibility of those who are most familiar with the needs of these schools and their students.

On a number of occasions in the past, defense-related legislation has included provisions which have directly changed impact aid or have supported parallel programs. I do not see that the interests of schools or students are best served by this duplication of effort.

The Department of Defense currently offers of variety of services to military dependents—ranging from child care to health services. I believe the education of these children to be equally important. The legislation I am offering today is, I believe, a good starting point for impact aid reform designed to improve the educational opportunities available to military dependents.

Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

STATE AND LOCAL GOVERNMENT FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a very important piece of legislation. This bill continues my effort to help working parents balance the demands between work and family.

Over the past five years, we have been talking about the difficulty that parents have balancing work and family obligations. I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

The second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. The difficult issue that face us as a nation, is how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions. Since 1965, the amount of time parents spend with their children has dropped 40 percent and a 1993 study that found that 66 percent of adults surveyed nationwide wanted to spend more time with their children.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half. But at some point, you would rather have the time than the money. If the employer agreed to it voluntarily—both parties—we ought to let that happen. Right now, it is against the law. According to a number of surveys, this is what Americans want. For example, a poll by Money magazine found that 64 percent of the American people—and 68 percent of women—would rather have their overtime in the form of time off, than in cash wages. Eighty-two percent said they supported the Republican's plan to give working men and women more control over their hard-earned time. Money magazine, May 1997.

In an attempt to address these work and family tensions, in each of the last three Congresses, I have introduced legislation. Each of these bills provide flexible working arrangements—or ''flex-time,'' and compensatory time off—or ''comp time.''

The comp time provisions in the Family Friendly Workplace Act (S. 1241) would permit employees to choose, if the employer agreed, to be compensated with time-and-a-half compensatory time off for overtime hours worked in lieu of time-and-a-half pay—whenever time is more valuable than financial compensation to the employee. This gives hourly employees the ability to meet their family obligations while still taking home a full paycheck.

The flex time provisions would allow private sector hourly employees to work biweekly work schedules the same as federal employees have been able to since 1978. Rather than being limited to 40 hours in a seven-day period, private sector workers could schedule 80 hours over a two-week period in any combination if their employers agree. Overtime would have to be paid for any hours ordered by the employer in excess of those in the designated biweekly work schedule. For example, if an employer asked an employee to work 45 hours in a week when the employee was scheduled to work only 35 hours under the biweekly work schedule, the employer would be required to pay the employee 10 hours of overtime compensation. This is true even though absent the agreement, the employer would only be required to pay the employee five hours of overtime.

When these provisions were developed, I took seriously the concerns raised by my constituents that adequate protections had to be contained in the bill to make sure this was a real choice made by employees—not employers. Both of the provisions were designed to do just that. In the Family Friendly Workplace Act employers cannot require accepting compensatory time off in lieu of over time pay as a condition of employment. Nor can they require employees to work flex time as a condition of employment. In addition, such agreements to work these alternative work schedules have to be in writing, signed by the employee. Coercion into these programs—or even attempted coercion—is strictly prohibited and contain severe penalties.

Due to the nature of comp time, there also are protections specific to that program. Employers would be prohibited from coercing, or attempting to coerce, employees into using or not using their comp time. The bill requires employers to cash-out their employees' comp time bank at the end of each year or in the alternative, within thirty days of their employees' request.

These cash-out provisions serve two important purposes. First, it ensures that employers who offer the option of comp time do not do so with the belief that it will give them ability to avoid paying overtime. Second, it also structures comp time programs with a built-in incentive for employers to allow employees to use their comp time when it is needed by the employee.

Today, I am introducing legislation to provide these superior protections to state and local government workers. First, it will prohibit the practice of requiring employees to accept comp time as a condition of employment. It also will require state and local governments to cash-out comp time banks at the end of each year or within thirty days of request by the employees. Finally, it will specifically prohibit state and local governments from forcing employees to use their accumulated comp time against their wishes. It is those workers who are giving up time with their families—they should be able to use it to spend time with their families. These protections will impact 290,405 workers in Missouri, or approximately twelve percent of the workforce.

No doubt, state and local governments will be concerned about the cost of cashing out these comp time banks or changing their scheduling patterns in order to allow workers to use their accumulated comp time. As a former Governor, I understand these concerns. However, I have to take seriously the practice that can no longer be called isolated incidents. Forcing employees to work over time takes away time from their families. Our police officers, fire fighters, corrections' officers, and other state and local government workers should have the choice whether that time should be compensated with time or money. They know what best fits their needs and should not be forced—with the blessings of the federal government—into giving up that choice.

Mr. LAUTENBERG:

S. 3160. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ABEL AND MARY NICHOLSON HOUSE NATIONAL HISTORIC SITE STUDY ACT OF 2000

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Abel and Mary Nicholson House National Historic Site Study Act of 2000. This bill would require the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House located in Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System. As part of the study the Secretary would also be required to consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route. The bill I am introducing today would authorize the National Park Service to acquire this land in compliance with the service's standard rules and regulations.

Mr. President, the Abel and Mary Nicholson House is prized for its architectural and historical significance to, not only my state, but, our entire nation. It is a unique resource which can provide unparalleled opportunities for studying our national cultural and natural heritage. Situated along Alloway Creek, a tributary of the Delaware River, the house is surrounded by an intact cultural landscape of farm fields, wetlands and forests. The original access to the house was from the creek, as rivers were the highways of 18th century America.

The Abel and Mary Nicholson House is a Delaware Valley, brick, patterned-end mansion constructed in 1722. The original portion of the house has existed for 280 years with only routine maintenance, no major remodeling or restoration, and without the intrusion of either electricity or a central heating system. It stands alone as the only known, pristine survivor of an Anglo-American building tradition that existed for three quarters of a century.

The Nicholson House is changing the thinking of architectural historians about the construction and use of rooms in the earliest houses of the Delaware Valley. The house has been called an architectural Rosetta stone that provides new insight to our understanding of the use and function of interior space during the 18th century. Additionally, Mr. President, an 1859 addition to the house enhances the significance of the property with a similar level of architectural integrity.

Mr. President, the Abel and Mary Nicholson House also has cultural significance in its well-documented associations with the earliest Quaker settlement in North America and the first permanent English settlement in New Jersey. Abel Nicholson arrived in New Jersey at the age of three. He was brought to New Jersey by his father, Samuel Nicholson, a follower of John Fenwick. They arrived in 1675, seven years before William Penn arrived to settle Philadelphia. John Fenwick was the founder of Greenwich and Salem, New Jersey, the first permanent English-speaking settlements on the Delaware River.

Samuel Nicholson purchased 2,000 acres in Elsinboro Township, New Jersey and a 16-acre lot in the City of Salem where he constructed a home. It was in the Salem house that the first Salem Meeting of the Society of Friends was organized in 1676. In 1680, Samuel Nicholson donated the Salem house to the Salem Meeting and relocated to the Elsinboro property. In 1693, Abel Nicholson married Mary Tyler, the daughter of another Quaker. Abel and Mary Nicholson built the present house, in 1722, which historians believe either replaced or abutted the earlier structure built by his father.

Mr. President, the Nicholson House represents the Mid-Atlantic region's colonial history and traditions. Because of its architectural integrity and what it is teaching scholars about how 18th century building spaces were used, it is considered to transcend regional significance and ranks as one of America's iconic early structures.

Mr. President, the Abel and Mary Nicholson House is a national treasure that deserves consideration for preservation and protection so it can continue to teach future generations of Americans about the contributions and lives of the early Americans. Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 3160

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 ''Abel and Mary Nicholson House National Historic Site Study Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey, was built in 1722;

(2) the original section of the House is the only pristine, surviving portion of a Delaware Valley brick patterned-end house featuring a diaper or diamond pattern in glazed bricks in the gable wall of the building, and less elaborate decorations of checkered string courses on the other 3 walls;

(3) the original section of the House—

(A) contains early paint, original hinges, locks, shelving, floorboards, roof framing, and chimneypieces; and

(B) has received only routine maintenance and no major remodeling, and is without the intrusion of either electricity or a central heating system;

(4) the 1859 addition to the House enhances the significance of the property with a similar level of architectural integrity;

(5) the House has well-documented associations with the earliest Quaker settlement in North America;

(6) the House and surrounding property may be available for acquisition from a willing donor; and

(7) the House is—

(A) 1 of the most significant ''first period'' houses surviving in the Delaware Valley; and

(B) an architectural Rosetta stone on the domestic life of the first 2 generations of settlers in the Delaware Valley.

SEC. 3. DEFINITIONS.

In this Act:

(1) HOUSE.—The term ''House'' means the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall, in consultation with the State of New Jersey—

(1) carry out a study on the suitability and feasibility of designating the House as a unit of the National Park System;

(2) consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route; and

(3) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) CONTENTS.—The study under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) 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. 1446

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Illinois (Mr. DURBIN) 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. 1726

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2031

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2031, a bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness.

S. 2476

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. HARKIN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2778

At the request of Mr. KOHL, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2778, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2939

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2939, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors 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 name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor 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. 3068

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3068, a bill to amend the Immigration and Nationality Act to remove

certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3095

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3095, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Florida (Mr. MACK) 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. 3112

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3120

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3120, a bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive.

S. 3137

At the request of Mr. SESSIONS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3147

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. CON. RES. 135

At the request of Mr. ROBB, his name was added as a cosponsor of S. Con. Res. 135, a concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

S.J. RES. 52

At the request of Mr. GREGG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.J. Res. 52, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States''.

SENATE RESOLUTION 366—EXPRESSING THE SENSE OF THE SENATE ON THE CERTIFICATION OF MEXICO

Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. GRAMM, Mr. KYL, Mr. DOMENICI, Mr. DODD, Mrs. FEINSTEIN, Mr. HOLLINGS, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 366

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

Resolved,

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

AMENDMENTS SUBMITTED

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

HAGEL AMENDMENT NO. 4289

Mr. FITZGERALD (for Mr. HAGEL) proposed an amendment to the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; as follows:

On page 23, line 2, insert ''agricultural and'' after ''world's''.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

On October 3, 2000 the Senate amended and passed S. 2412, as follows:

S. 2412

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Amendments Act of 2000''.

(b) REFERENCES.—Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

''§ 1101. Definitions

''Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.''.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

''(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in

accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.''.

(b) DEPOSIT OF AMOUNTS.—

(1) Section 1113(b)(2) is amended—

(A) by inserting ''as offsetting collections'' after ''to be credited''; and

(B) by adding after ''Board.'' the following: ''The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.''.

(2) Section 1114(a) is amended—

(A) by inserting ''(1)'' before ''Except''; and

(B) by adding at the end thereof the following:

''(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.''.

(3) Section 1115(d) is amended by striking ''of the 'National Transportation Safety Board, Salaries and Expenses' '' and inserting ''of the Board''.

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

''(g) OVERTIME PAY.—

''(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

''(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

''(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

''(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

''(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).''.

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) by striking ''VOICE'' in the subsection heading;

(2) by striking ''cockpit voice recorder'' in paragraphs (1) and (2) and inserting ''cockpit voice or video recorder''; and

(3) by inserting ''or any written depiction of visual information'' after ''transcript'' in the second sentence of paragraph (1).

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

''(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

''(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

''(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

''(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking ''and (e)'' and inserting ''(d), and (f)''.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

''§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts;

(B) by striking ''cockpit voice recorder'' each place it appears in subsection (a) and inserting ''cockpit or surface vehicle recorder'';

(C) by striking ''section 1114(c)'' each place it appears in subsection (a) and inserting ''section 1114(c) or 1114(d)''; and

(D) by adding at the end the following:

''(6) In this subsection:

''(A) RECORDER.—The term 'recorder' means a voice or video recorder.

''(B) TRANSCRIPT.—The term 'transcript' includes any written depiction of visual information obtained from a video recorder.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

''1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.''.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking ''(2) An investigation'' and inserting:

''(2)(A) Subject to the requirements of this paragraph, an investigation''; and

(2) by adding at the end the following:

''(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

''(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.''.

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking ''1134(b)(2)'' and inserting ''1134 (a), (b), (d), and (f)''.

SEC. 8. MEMORANDUM OF UNDERSTANDING.

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

SEC. 9. TRAVEL BUDGETS.

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

SEC. 10. CHIEF FINANCIAL OFFICER.

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) CHIEF FINANCIAL OFFICER.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

''(1) report directly to the Chairman on financial management and budget execution;

''(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

''(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.''.

SEC. 11. IMPROVED AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

"§ 1137. Authority of the Inspector General

''(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

''(b) DUTIES.—In carrying out this section, the Inspector General shall—

''(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

''(2) issue findings and recommendations for actions to address such problems; and

''(3) report periodically to Congress on any progress made in implementing actions to address such problems.

''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.''.

(b) CONFORMING AMENDMENT.—The subchapter analysis for such subchapter is amended by adding at the end the following:

''1137. Authority of the Inspector General.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 1118 is amended to read as follows:

"§ 1118. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002, such sums to remain available until expended.

''(b) EMERGENCY FUND.—The Board has an emergency fund of $2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.''.

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking ''46302, 46303,'' and inserting ''46301(b), 46302, 46303, 46318,''.

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA–00–7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

''(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.''; and

(3) by adding at the end of subsection (g) the following:

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

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

THE CALENDAR

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I will resume my filibuster on the Interior appropriations conference committee report. But the majority leader has asked me to take care of a few housekeeping matters in the meantime. I want to do that for the information of all Senators, before they go home for the evening.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the chairman and the ranking minority member of the Finance Committee, pursuant to Public Law 103–296, appoints David Podoff, of Maryland, as a member of the Social Security Advisory Board, vice Lori L. Hansen.

RECOGNIZING THE 25th ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

MR. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 829, H. Con. Res. 399.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 399) recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FITZGERALD. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 399) was agreed to.

The preamble was agreed to.

WILLIAM H. NATCHER BRIDGE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 846, H.R. 1162.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1162) 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.''

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, 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 bill (H.R. 1162) was read the third time and passed.

J. SMITH HENLEY FEDERAL BUILDING

Mr. FITZGERALD. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 847, H.R. 1605.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (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.''

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, 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 bill (H.R. 1605) was read the third time and passed.

CARL ELLIOTT FEDERAL BUILDING

Mr. FITZGERALD. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 848, H.R. 4806.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4806) to designate the Federal Building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliot Federal Building''.

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, 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 bill (H.R. 4806) was read the third time and passed.

OWEN B. PICKETT U.S. CUSTOMHOUSE

Mr. FITZGERALD. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5284, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5284) to designate the U.S. customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett U.S. Customhouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The bill (H.R. 5284) was read the third time and passed.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 909, H.R. 4318.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4318) to establish the Red River National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. 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. 4318) was read the third time and passed.

SEQUENTIAL REFERRAL—S. 2917

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 2917, a bill to settle the land claims of the Pueblo of Santa Domingo, the bill be referred to the Energy Committee for a period not to exceed 7 days; further, I ask unanimous consent that if the Energy Committee has not reported the measure prior to the expiration of the 7-day period, the bill be automatically discharged and placed on the calendar.

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

MAKING CERTAIN PERSONNEL FLEXIBILITIES AVAILABLE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4642 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. 4642) to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. 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. 4642) was read the third time and passed.

AMENDING THE FOREIGN ASSISTANCE ACT OF 1961

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 913, H.R. 4002.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment. [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 ''Famine Prevention and Freedom From Hunger Improvement Act of 2000''.

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: ''The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.''.

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking ''in this country'' and inserting ''with and through the private sector in this country and to understanding processes of economic development'';

(C) in subparagraph (B) (as redesignated), to read as follows:

''(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;'';

(D) in subparagraph (C) (as redesignated), to read as follows:

''(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;'';

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking ''and'' at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

''(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

''(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);'';

(I) in subparagraph (G) (as redesignated), by striking ''in the United States'' and inserting ''and the broader economy of the United States''; and

(J) by adding at the end the following:

''(H) that there is a need to responsibly manage the world's natural resources for sustained productivity, health and resilience to climate variability; and

''(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.''.

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

''(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

''(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

''(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

''(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

''(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

''(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

''(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.''.

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking ''each component'' and inserting ''each of the program components described in paragraphs (1) through (6) of subsection (b)'';

(2) in paragraph (2)—

(A) by inserting ''and public and private partners of universities'' after ''for the universities''; and

(B) by striking ''and'' at the end;

(3) in paragraph (3)—

(A) by inserting ''and public and private partners of universities'' after ''such universities'';

(B) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

''(C) multilateral banks and agencies receiving United States funds;

''(D) development agencies of other countries; and

''(E) United States Government foreign assistance and economic cooperation programs;''; and

(4) by adding at the end the following:

''(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

''(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.''.

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after ''sea-grant colleges;'' the following: ''Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);''; and

(2) in paragraph (1), by striking ''extension'' and inserting ''extension (including outreach)''.

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting ''United States'' before ''Agency''.

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.''.

(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.''.

(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.''.

SEC. 3. GENERAL AUTHORITY.

(a) AUTHORIZATION OF ASSISTANCE.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

''(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;'';

(2) in paragraph (3), to read as follows:

''(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;''; and

(3) in paragraph (4)—

(A) by inserting ''United States'' before ''universities'';

(B) by inserting ''agricultural'' before ''research centers''; and

(C) by striking ''and the institutions of agriculturally developing nations'' and inserting ''multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs''.

(b) REQUIREMENTS.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''universities'' and inserting ''United States universities with public and private partners of universities''; and

(B) in subparagraph (C)—

(i) by inserting '', environment,'' before ''and related''; and

(ii) by striking ''farmers and farm families'' and inserting ''agriculturalists'';

(2) in paragraph (2), by inserting '', including resources of the private sector,'' after ''Federal or State resources''; and

(3) in paragraph (3), by striking ''and the United States Department of Agriculture'' and all that follows and inserting '', the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the

Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.''.

(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

''(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;''; and

(2) in paragraph (4), to read as follows:

''(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and''.

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

''(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.''.

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: ''on a case-by-case basis''.

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

''(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.''.

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''increase food production'' and all that follows and inserting the following: ''improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;''; and

(B) in subparagraph (B), by inserting before ''sciences'' the following: '', environmental, and related social'';

(2) in paragraph (4), after ''Administrator and universities'' insert ''and their partners'';

(3) in paragraph (5), after ''universities'' insert ''and public and private partners of universities'';

(4) in paragraph (6), by striking ''and'' at the end;

(5) in paragraph (7), by striking ''in the developing nations.'' and inserting ''and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;''; and

(6) by adding at the end the following:

''(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

''(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

''(10) advising the Administrator on any and all issues as requested.''.

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''Research'' and insert ''Policy'';

(B) by striking ''administration'' and inserting ''design''; and

(C) by striking ''section 297(a)(3) of this title'' and inserting ''section 297''; and

(2) in paragraph (2)—

(A) by striking ''Joint Committee on Country Programs'' and inserting ''Joint Operations Committee''; and

(B) by striking ''which shall assist'' and all that follows and inserting ''which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.''.

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking ''April 1'' and inserting ''September 1''.

AMENDMENT NO. 4289

Mr. FITZGERALD. Mr. President, Senator HAGEL has a technical 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 Illinois [Mr. FITZGERALD], for Mr. HAGEL, proposes an amendment numbered 4289.

The amendment is as follows:

(Purpose: To include in the statement of policies that there is a need to responsibly manage the world's agricultural, as well as, natural resources for sustained productivity, health and resilience to climate variability)

On page 23, line 2, insert ''agricultural and'' after ''world's''.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4289) was agreed to.

Mr. FITZGERALD. Mr. President, I ask unanimous consent the committee substitute amendment, as amended, be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee substitute, as amended, was agreed to.

The bill (H.R. 4002), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 5, 2000

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m., on Thursday, October 5. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 110, the continuing resolution, under the previous order.

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

PROGRAM

Mr. FITZGERALD. For the information of all Senators, the Senate will begin closing remarks on the continuing resolution at 9:30 a.m. tomorrow. Under the order, there will be approximately 30 minutes equally divided on the resolution, with a vote on adoption of the resolution scheduled to occur at 10 a.m.

Following the vote, the Senate is expected to resume consideration of the conference report to accompany the Interior appropriations bill. The Senate may also begin consideration of any other appropriations bills available for action; therefore, Senators should be prepared for votes throughout the day.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

Mr. FITZGERALD. Mr. President, at this time I would like to return to our discussion of the Abraham Lincoln Presidential Library, which is a project in the Interior conference committee report that we have been discussing from time to time throughout the day.

I spoke earlier, for several hours, about concerns I have had with the language in the conference committee report. The language authorizes $50 million in Federal expenditures for the library in Springfield. It says that the purpose of those expenditures would be for the construction of the library, for planning, design, acquiring, and constructing the library. But it is interesting; the actual language in the authorization does not say who is getting the money. It says that the $50 million would be going to an entity that would be selected later.

So the Senate and the House have a conference committee report before us with a $50 million authorization for the library in Springfield, IL, but we do not know to whom we are going to give the money.

When I saw this language earlier on, when the authorizing bill came from the House to my Senate committee, I saw that as a problem. I saw it also as a problem that there was no requirement that the construction project be competitively bid.

I thought, what if this money falls into the hands of a private entity? The entity in the bill could apparently be private or public. There is no restriction in the bill that it can only go to a

public entity. There is no suggestion in the bill that the money has to go to the State of Illinois.

I thought, we have to take care to make sure that we have protections in there for the taxpayer, so that this money cannot be spent improperly.

Senator DURBIN came in and spoke earlier. He said that he supports a bidding process with integrity, as do I. I appreciate Senator DURBIN's support and the support I have had from all of my 99 colleagues in the Senate, where we have gone on record by passing legislation over to the House that says the Senate thinks it is a good idea that this $50 million authorization for the Lincoln Library in Springfield, IL, requires that the project be competitively bid in accordance with the comprehensive Federal competitive bid guidelines. I thank all my colleagues in the Senate for their support on that proposition.

I talked to many of my colleagues in the last couple weeks about this issue, and every single one of them agreed: Isn't it a good idea that we restrict that money so it cannot be misused? After all, it is not even clear where the money is going.

It is possible that the money would go to the State of Illinois. If it does go to the State of Illinois, I think that would be preferable to it being given to an individual or to a private corporation.

I described earlier in the day how there is a private not-for-profit organization out there that has recently been organized known as the Abraham Lincoln Presidential Library Foundation, and that I do not think it would be a good idea to give the taxpayer's money to a private not-for-profit organization in which case it would be up to the board of directors of that corporation as to how the money would be handled. We would not have safeguards for the public.

But I also pointed out that if the money went to the State of Illinois, and the State of Illinois directed the money to its Capital Development Board, there was a real problem.

The State of Illinois has a procurement code that was amended a few years ago. It does, in general, seek to ensure competitive bidding. It is an improvement over old laws that the State of Illinois used to have.

When I was in the State senate in Springfield, in 1997, I voted for the current State procurement law. But we pointed out that there is a loophole in there, and I regret that I missed that loophole. The loophole is that the Capital Development Board has a way to opt out of competitively bidding projects. It is a highly unusual and irregular loophole.

A letter from the Capital Development Board to Senator DURBIN stated that the project would have to be competitively bid because they would require it. They said they couldn't do things that were not competitively bid. That is nice they put that in their letter, but their letter is flatly contradicted by their statute. The statute that governs the Capital Development Board has a clear opt-out so that the State can just opt out of competitively biding this project. Fifty million dollars in taxpayer money is a lot of money.

The one issue Senator DURBIN mentioned concerned the attachment of Federal competitive bid guidelines to this project in Springfield, to make sure it was properly applied and that we didn't have political influence in the awarding of the many contracts that would be given out. There is, after all, $120 million of taxpayer money, when you include the State of Illinois money, the Federal money, the city of Springfield money, and any private money that is contributed to the project. That is a lot of money. You would think you would want careful safeguards in that law. It is hard for me to think of any reason anybody would oppose the strictest possible exceptions on how we spend taxpayer money to ensure that there is competitive bidding.

Senator DURBIN wondered how would it work if Federal requirements would apply; the State of Illinois wouldn't know how to handle it if Federal guidelines were applied. I don't think that is correct. As I pointed out to Senator DURBIN, it is very clear the State contemplates that Federal guidelines will frequently be attached when the Federal Government gives money to the State of Illinois. If you get Federal money from somewhere or you get money from somebody, it is not unusual that strings are attached.

Article 20 of the Illinois procurement code, source selection and contract formation, at 500/20–85, contemplates the attachment of Federal strings. Section 20–85, Federal requirements: A State agency receiving Federal aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices, to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States in order to remain eligible for such Federal aid funds, grants, or loans.

Mr. President, I ask unanimous consent to print this statute in the RECORD.

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

WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED CHAPTER 30. FINANCE BONDS AND DEBT ACT 500. ILLINOIS PROCUREMENT CODE ARTICLE 20. SOURCE SELECTION AND CONTRACT FORMATION

§ 20–85. Federal requirements. A State agency receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans.

HISTORICAL AND STATUTORY NOTES

Section 99–5 of P.A. 90–572, Article 99, approved Feb. 6, 1998, provides:

''Effective date and transition. This Article, Sections 1–15 through 1–15.115 of Article 1, and Article 50 take effect upon becoming law. Articles 1 through 45 and 53 through 95 take effect January 1, 1998, solely for the purpose of allowing the promulgation of rules to implement the Illinois Procurement Code. The Procurement Policy Board established in Article 5 may be appointed as of January 1, 1998, and until July 1, 1998, shall act only to review proposed purchasing rules. Articles 1 through 45 and 53 through 95 for all other purposes take effect on July 1, 1998.''

For applicable effective date of laws provisions in Illinois governing § 99–5 of P.A. 90–572, Art. 99, see 5 ILCS 75/0.01 et seq.

Mr. FITZGERALD. Clearly, the State of Illinois contemplates that for many grants from the Federal Government, they will have to comply with the Federal Government's requirements. That is not unusual. The Federal Government has requirements for education money, for Medicaid money, and the like. For this project, I think it is reasonable.

We don't want to unduly hamper it. But Federal competitive bidding, who would oppose that? I don't think Democrats would oppose it. I don't think Republicans would oppose it. Certainly no Democrat, no Republican in the Senate wished to go on record opposing it. It is a simple, safe precaution for the taxpayers.

Again, this statute, which we have talked about on and off all day, conclusively demolishes the letters that are being put out by the Capital Development Board saying they must use competitive bidding and that there is no way competitive bidding won't be used.

Let me reflect on that argument again. They are saying that clearly competitive bidding will be used. This project now is the focus of a lot of attention around the State of Illinois, and many people have said it will definitely be competitively bid.

If that is the case, why such stiff opposition to attaching the Federal competitive bid guidelines? If they are going to bid it according to the book and there won't be any problems with the contracts, then why is anybody opposed? Why is it? I don't know.

Clearly, the Office of the Governor of Illinois believed strongly enough that these guidelines, these restrictions, not be attached. Instead, they chose to go around the Senate and try to get the language snuck into a conference committee report, stripped of the competitive bidding language, and in a way so that it would be rolled into an $18 billion appropriations bill that is a must-

pass bill. That conference committee report cannot be amended or recommitted. They went to a lot of trouble. In fact, they were practically doing anything and stopping at nothing to avoid the competitive bid guidelines which they are essentially saying they are going to do anyway. That doesn't make a lot of sense to me. Why the objection? Why the fierce fight over requiring Federal procurement laws be followed?

Now, throughout the day, I have set the context in which this debate has been occurring. I believed it necessary because for those who aren't from the wonderful land of Lincoln, the great State of Illinois, they may not be fully familiar with the politics.

Sometimes our politics have become famous. Chicago has famous political traditions. The State government probably hasn't been as well known as the city of Chicago's government. But I believed I needed to set the table, to lay the foundation and give the Senators from other States the context in which I was concerned that this money would be provided in a way that would permit unfettered discretion on the part of whoever might get this $50 million authorized appropriation.

I read a number of articles into the RECORD this morning that talked about problems that have occurred in State government in Illinois, not just under Republican administrations but under both Republican and Democratic administrations, where, because of a lack of competitive bidding, because of lax, weak procurement laws that left too much to the subjective preferences of State officials on awarding contracts, we have had of a sad history of procurement problems in the State of Illinois. Hopefully, the State's new procurement law will cut down on future problems such as that. But as I have pointed out, it has a few loopholes that I hope will get cleaned up.

We have talked about leases of buildings. We have talked about construction projects. We have highlighted a number of instances in which those leases at that time were not competitively bid, where there were a lot of questions about the amounts taxpayers were paying for the State to lease buildings. And certainly the people involved in leasing the properties to the State seem to be very involved in the political process, which raises a lot of questions in one's mind.

I also talked about the hotel loan, which involved a loan to a politically connected developer to build the Springfield Renaissance Hotel. It was a $15 million loan from the State of Illinois. It appeared also, as we read some of those articles, that Federal money was involved in that, too, and that that loan was never repaid to the State of Illinois. Some payments were made. I don't know what the unpaid balance is today, but I think it is quite substantial. That developer still has that hotel, too. This hotel is very close, about a block and a half, maybe two blocks away, as we saw, from the proposed Abraham Lincoln Presidential Library.

If the library is built and it becomes the wonderful attraction we hope it will be for citizens from all over the country to come and enjoy and learn about Abraham Lincoln in the hometown of Abraham Lincoln, certainly it will generate a lot of tourist revenue for the city of Springfield. I imagine the Springfield Renaissance Hotel would benefit from the projections of increased tourism. I hope that would be the case. I hope that perhaps at that time the hotel, the partnership that runs it, would think about whether they couldn't make more payments to the State on that $15 million taxpayer loan that goes back to the early 1980s.

I know that State officials released personal guarantees and waived the State's right to foreclose on that hotel loan. It is clear there probably isn't much of a legally enforceable note anymore. You would have to wonder if those people would think about whether it wouldn't be a good idea for them, the right thing for them to do, to try to make payments when they could. They probably would argue that the notes are worthless now and that the State's rights as lender were waived while the loan was in default. It is kind of unusual. In fact, I have never really heard of a lender, when they have a bad loan, waive all their rights. It seems kind of odd to me.

In any case, there is another episode in our State's recent history that I was very vocal on when I was in the State senate. That was on how riverboat licenses were given out.

Back in about 1990, the State created 10 riverboat licenses. The first six of them were fairly site specific in their statute on where the river boat licenses had to go.

That always raised questions because there were questions of whether in drawing up the statute the State was actually attempting to steer these riverboat licenses to certain individuals. It just so happened that an investor in the first riverboat license awarded under the Illinois gaming law was the very same individual, Mr. William Cellini, about whom we have read some articles, who got the hotel loan, didn't have to pay it back, had the leases of the State buildings, and has been involved in politics in Illinois for a long time.

I would, if I could, like to continue on in an examination of what happened when the State didn't competitively bid the riverboat licenses, and I always believed they should have been competitively bid. You had licenses that turned out to be phenomenally lucrative. In some cases, very small investments made many people very rich, very quickly. There was always a question as to how the State determined who got the licenses. The people who wound up getting the first six licenses, which were fairly site-specific, tended to be people who were very much involved in State politics in Illinois. They were what I would call ''insiders'' in the State capitol. Of course, they always encouraged the perception that it was just a coincidence that these very lucrative licenses fell into their hands. And they got real rich, real quick.

In fact, a riverboat was put up in Joliet, IL. I remember when I was in the State senate, that boat was called the Joliet Empress. We could not find out the financial results of these boats. It was an exception to the freedom of information laws in Springfield, and even though these boats got a license from the State, they didn't have to give out financial information to the public. But the Joliet Empress decided to do a public bond offering, as I recall. In order to do that public offering of its debt securities, it had to file a registration statement with the Securities and Exchange Commission. In the process of filing that statement, they disclosed their investors and disclosed some of the financial results of the riverboat.

I am going to suggest that the original investment was somewhere in the neighborhood of $20 million. In the first 18 months, as I recall, the nine people who owned the riverboat took in something like $87 million in cash dividends. It kind of makes the Internet firms that we are reading about in the soaring NASDAQ index seem like nothing. This was really a bonanza for the people who wound up with these riverboat licenses.

When I read on the floor of the Illinois State Senate how lucrative these licenses were, I thought it was wrong that the State wasn't competitively bidding those licenses. They were setting up a process by which people who wanted these licenses could go through the politicians who could give it to them on a no-bid basis. And in so doing, the State was leaving an awful lot of money on the table. In fact, they were literally lighting a match to millions of dollars they could have reaped had they auctioned off those licenses and created some kind of bidding process and not allowed political favoritism to ever be a question in the awarding of those licenses.

In fact, there was a lot of opposition to ever competitively bidding those licenses. Certainly, the people who wound up owning or wanting the licenses never wanted those competitively bid. Instead, what happened, in order to raise revenue in the early 1990s, on a few occasions the State raised income taxes on everybody else.

Mr. President, let me go, if I may, to a couple of articles that describe how the State gave out the no-bid riverboat licenses. Again, this is all in the context of examining what happens when

State, Federal, or local government—any government at all—don't put restrictions on money they are giving out for contracts, or on benefits that they are giving out, when they don't make sure there is a competitive bidding process involved. Questions always arise as to whether there is political favoritism.

This article is from the Chicago Sun-Times of February 26, 1993. The byline is by Ray Long. The headline is, ''Developer Hits Riverboat Jackpot; Stock Sale Windfall Steams Treasurer.''

I ask unanimous consent that this article from the Chicago Sun-Times be printed in the RECORD at this point.

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

[From Chicago Sun-Times, Feb. 26, 1993]

DEVELOPER HITS RIVERBOAT JACKPOT; STOCK SALE WINDFALL ''STEAMS'' TREASURER

(By Ray Long)

Politically powerful Springfield developer William Cellini has sold $5.3 million in riverboat casino stock as part of a deal that prompted the state treasurer to call for a windfall tax on such transactions.

Argosy Gaming Co., owner of the Alton Belle riverboat, reported that Cellini sold 277,778 shares, netting him $4.9 million after fees, in last week's first public offering of Illinois riverboat stock.

Argosy sold a total of $76.6 million in stock, and the original shareholders collected $29.5 million, the company said.

Cellini remains the largest single shareholder, and his remaining shares could be worth more than $50 million, based on the value of the public shares.

Argosy plans to use money from the sale to pay start-up debts, fund a new riverboat and develop gambling in Louisiana and Missouri.

State Treasurer Patrick Quinn, a Democrat, said, ''I've got steam coming out of my ears'' from anger over the Argosy deal. ''It's downright obscene.''

A probable gubernatorial candidate in 1994, Quinn said Cellini should have been denied his piece of the Alton riverboat license because of questions about his role in a state loan to build the Springfield Ramada Renaissance hotel.

''I don't think if you take the taxpayers to the cleaners once, you should get a second chance to put more money in your own pocket,'' Quinn said while taping ''The Reporters,'' to be aired at 9 p.m. Sunday on WMAQ–AM (670).

The state should impose a windfall tax on investors in riverboat gambling ventures that start private and later go public, Quinn said.

In a separate interview, Cellini, a top Republican fund-raiser and friend of Gov. Edgar's, said the Springfield hotel arrangement was proper.

As for the riverboat transaction, he said he had been ''obligated at one time for an amount approaching a million'' dollars. He said federal regulations about new public offerings prevented him from discussing details about the company or stock sale.

The Ramada Renaissance received a 1982 state loan for $15.5 million at 12¼ percent interest. After recurring payment disputes, the loan was restructured in 1991 for $18.6 million at 6 percent.

Cellini said he was one of 80 partners in the hotel. ''I have never taken out or realized one penny from the hotel,'' he said.

Quinn's staff said the lenders defaulted in 1987 under former state Treasurer Jerry Cosentino and former Gov. James R. Thompson, a Republican and friend of Cellini's.

But Cellini disputed this account. ''During the time of the loan,'' he said, ''I don't believe we were ever declared in default—except in order to refinance and restructure, there may have been needed language implying such.''

Quinn said: ''A lot of folks, I think, are pretty upset about getting taxed to the limit and then seeing government operate . . . as a personal piggy bank for insiders. This is wrong.''

Mike Lawrence, spokesman for Edgar, said the Gaming Board's initial approval of the Alton riverboat project was granted before the governor took office. The final license approval came in 1991 after Edgar took office.

William Kunkle, Gaming Board chairman, said Cellini passed the agency's background check.

Meanwhile, Thursday, the Gaming Board met in Chicago and failed to reach agreement on how to implement a legal limit of 1,200 gambling customers per riverboat.

Mr. FITZGERALD. Mr. President, there are a number of other articles that have been written over the years about how the State gave out the riverboat gambling licenses in Illinois. The record is replete with problems that the State had, or questions that were raised about how the licenses were awarded. They just happened to be awarded to people who seemed to be involved in the political process.

That was something I was concerned about at the time. I was in the State senate at that time; this goes back to 1994. There is an article in the Chicago Sun-Times that discusses how I was seeking competitive bidding on those State riverboat licenses.

This is an article from April 10, 1994, entitled, ''Riverboat Deal is Plum For Insiders,'' by Dennis Byrne of the Chicago Sun-Times:

The agreement between Mayor Daley and Gov. Edgar to bring riverboat gambling to Chicago should make a lot of people happy: Chicago taxpayers and schoolchildren, who will benefit from the additional revenues, and the thousands of casino/entertainment center employees.

But the folks who should be the happiest are the well-connected insiders who are already raking it in from the state's 10 suburban and Downstate riverboats and who stand to make hundreds of millions more from the Chicago riverboats.

That would be thanks to a little-noticed part of the agreement changing the law that bans owners of one riverboat license from having more than a 10 percent interest in a second. If approved by the Legislature, they could own a second license and up to a 10 percent interest in a third.

So folks such as Eugene Heytow, chairman of the politically connected Amalgamated Trust & Savings Bank, where William Daley, the mayor's brother, once was president, could keep his stake in a riverboat in Galena while buying a chunk of one in Chicago. And William Cellini, a powerful friend of Edgar and former Gov. James R. Thompson, could buy into Chicago big-time while keeping his lucrative interest in the Alton Belle. So could Gayle Franzen, the Republican candidate for DuPage County Board chairman. And so on.

You could argue that they should get a piece of the Chicago action because the state is changing the rules of the game, that when they invested in the suburban and Downstate boats they believed they wouldn't face any competitive risk from Chicago.

However, it's not a very convincing argument in the face of the obscene profits that they have already harvested from their state-protected monopolies. State Sen. Peter G. Fitzgerald (R-Inverness), a banker, has calculated that the profits have been great enough to cover initial investments in only a matter of months—the kind of return that might make Hillary Rodham Clinton envious. In the case of the Alton Belle, a $20 million or so capital investment (and a paltry $85,000 for a state licensing fee) seeded a company that now has an estimated market value approaching a half billion dollars.

Let me read that again.

This is from Dennis Byrne, ''Riverboat Deal is Plum for Insiders.''

In the case of the Alton Belle, a $20 million or so capital investment—and a paltry $85,000 for a State licensing fee.

The guys who got the riverboats gave the State $85,000. The State gave them a license and ceded a company that now has an estimated market value approaching $.5 billion.

Not a bad deal if you are giving the $85,000 and they are giving you the license. It is worth, at that time they say, $.5 billion. What did the taxpayers get out of this with no competitive bidding? They had their income taxes raised during that time.

For an initial outlay of just a couple hundred grand 2½ years ago, investors now would own tens of millions of dollars worth of stock. Cellini himself plucked $4.9 million when he sold some of his stock when the company went public, but still retains some $60 million worth of stock.

And if they invest in Chicago boats? Using the city's figures, Fitzgerald calculates that annual net income on each boat could approach $50 million, and that the market value of each boat (at five times earnings) could exceed a quarter of a billion dollars.

Thankfully, though, they'd have to sink more into the Chicago boats, because, unlike the license for suburban and Downstate boats, the city licenses would be competitively bid. Who gets the license will depend, in part, on how much the bidder is willing to give to the city in admission, franchise and other fees. Unfortunately, though, the state's 20 percent gaming tax on gross receipts will not be raised, for the Chicago or Downstate boats. Nor do we know if other municipalities that are granted new boats will be able to demand competitive bidding.

Fitzgerald believes that even if the 20 percent state tax were raised significantly, to as high as 60 percent, the owners still would make a nice profit. So if we truly believe that the boats are a public good, maybe we should allow the public to rake off at least as much as some politically connected pals.

Mr. President, I understand that the Presiding Officer has an obligation, so I will try to focus my remarks and enable the Presiding Officer to meet that obligation.

We have introduced a number of articles on this point all during the day to

lay the context in which my concerns were raised about this very large project in Springfield.

I guess now we are down to the point where we have to ask the big question: Is the proposed Abraham Lincoln Library in Springfield, IL, another insider deal? I certainly hope it doesn't become one. This may or may not be now. We will not know until it is done. But we should do our very best to prevent it from becoming one.

We have said if we don't have careful controls, the money could wind up in private hands. It wouldn't have to be competitively bid under the language in the conference report. If the money winds up in State hands, then under the language that passed out of the House in the conference report, and which the Senate has basically said they don't like because it doesn't have Federal competitive bidding in it, if the money went to a private entity and went to the State—we have seen the State without competitive bidding. I would hate to see the monument to ''Honest Abe'' discussed in one of these many articles that have been written by investigative reporters. Competitive bidding could be opted out if it were the Capital Development Board that were doing the project.

As I pointed out, it is not unusual for the State to have to live within Federal competitive bid guidelines. This is not an unusual request. Then there is the State code. The State procurement code specifically contemplates the application of Federal guidelines such as these Federal competitive guidelines.

Are there red flags on this project? I want to sum those up again. We talked earlier in the day about some of the red flags.

We had the cost of the project increasing as the project has been talked about over the last few years. It started out as a proposed $40 million project in February of 1998. It went to a $60 million project 13 months later, in March of 1999. When I first came to the Senate, it was a $60 million project. Then one month after that, the next report said it was a $148 million project—up from the most recent $60 million estimate on advice from ''designers and fiscal advisers.'' That raised the red flag in my mind. I thought we had to bird-dog this project. After all, that is a big expenditure in any city, and it is certainly a big expenditure in the city of Springfield, our State capital.

The estimated cost, adjusted for inflation, of our State capitol is only $70 million compared to the $148 million that we saw referred to there, and now the $120 million that they are talking about for this library.

The cost of other buildings in Springfield: the Willard Ice Building is a $70 million building; the Prairie Capital Convention Center is a $60 million building.

We are really talking about a very visible project in Springfield. We discussed the location as well of this library. We noted its proximity to the Springfield Ramada Renaissance Hotel. We talked at length about the history of the Springfield Renaissance Hotel. We noted that this project is intended to and will stimulate tourism, if it is done right, in the city of Springfield. That hotel stands to benefit from that. It would be nice if we could get some payments on that $15 million State loan from back in 1982 to build that.

We have not yet noted, and I think we need to note, that Mr. Cellini, whom we have discussed, has been active in seeking to raise money for the private foundation that is connected to the library. Let me see if I can focus on that for one second and find a citation for you, Mr. President. There are newspaper articles, I believe, that suggest he has been out actively trying to raise money for the library. I would like to find that citation.

Incidentally, I should also mention that the Ronald Reagan Presidential Library cost $65 million.

It is a State Journal Register article from September 5, 1999, a little over a year ago:

> William Cellini reported to be heading private fundraising drive for the project.

So we are beginning to connect this all back into some of the projects we have read about throughout the course of the day. These are connecting threads, and set against the backdrop of procurement history and controversy in Illinois, I think there is good reason for Congress to be careful with this project. I think it is reasonable to look at all these red flags and say, this $50 million in Federal money, we better make sure it is buttoned down; better be careful, we don't want to happen to this money what has sometimes happened in the past. We don't want this project ever to be the subject of one of these investigative reports in one of our State's fine newspapers.

In light of the time restraints we are running up against tonight, the hour is late and I recognize that, I thank my colleagues again for all their support, for going on record in favor of competitive bidding in accordance with the Federal competitive bidding guidelines. I certainly hope the House will reconsider the position that has come out of the House in opposition for buttoning down this money and having tighter controls on it, to make sure that none of it winds up being involved in an insider deal, and that Springfield gets $120 million worth of value out of the $120 million that is intended to be spent on this monument for Abraham Lincoln.

Some may wonder why I have sought to filibuster the Interior appropriations bill over this matter. They would note $50 million is a substantial amount, but as a percentage of the entire appropriations bill, it is relatively small in comparison. There are literally countless projects throughout the country that are contained in that bill. I believed it was important to come to the floor and to lay out this case because it goes to the very heart of the appropriations process in Washington.

I understand those who oppose the competitive bidding will eventually have a good opportunity to move their bill and make sure the competitive bidding isn't in there. But I hope we are going to have illumination here. I think the people of Illinois can know who their government is and what it is about. I think that the people of this country may see, through the prism of Illinois, how serious and consequential the ethical foundations of their government can and must be.

This issue of whether we make sure this money is competitively bid goes to the very heart of the appropriations process. We ought to take great care of the people's money. The people's money represents precious hours of hard work, sweat, and time away from family. The American people are fundamentally generous, and they will permit reasonable expenditures for the good of their country, their communities, and their State. However, Mr. President, don't abuse them. Do your best to make sure that there are sufficient safeguards so the people can know that their taxpayer dollars will not simply be trampled on by political insiders. That is what bothers me personally, eats at me—the people who oppose provisions such as this act, as though $50 million in taxpayer money is a quarter. How can we ever put too many controls on taxpayer money? Why would anyone not welcome even more stringent competitive bid rules? Why would anybody oppose that? I can't think of a good reason.

The backdrop of problems we have had in the State of Illinois for a long time, which I illuminated today, and the legacy of insider dealing make me very reluctant to turn over this particular $120 million without doing everything I can to protect it.

I thank all of those who have stayed with me tonight, and I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. on Thursday, October 5, 2000.

Thereupon, the Senate, at 8:25 p.m., recessed until 9:30 a.m., Thursday, October 5, 2000.

EXTENSIONS OF REMARKS

STATEMENT ON THE INTRODUCTION OF THE BUSINESS METHOD PATENT IMPROVEMENT ACT OF 2000

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BERMAN. Mr. Speaker, in recent months, substantial concern has been expressed over the patenting of Internet and business strategies and techniques. Both the quality and appropriateness of a number of recently granted patents have been questioned.

My primary concern in this issue is the protection of intellectual property, which I believe is critical both to innovation and to the economy—and in that context, I want to make sure that the quality of U.S. patents is the highest possible.

As the breadth of patentable subject matter grows, it is incumbent upon Congress to consider two questions. First, are the Patent and Trademark Office and the courts properly interpreting the scope of what should be patentable? Second, is the process for patenting appropriate for the subject matter we allow to be patented?

It is clear from my conversations with those who are developing the Internet, those financing Internet ventures, individuals conducting business and those in the patent community—and the public at large—that the patenting of Internet and business strategies and techniques is controversial and deserves serious examination. Some believe that ''business method'' patents should simply not be allowed. They argue, by analogy, that a toaster should be patentable but the idea of toasting bread should not. Others argue that business methods should remain patentable, but the PTO should apply much greater scrutiny when it examines such patent applications. To extend the analogy: we have been toasting bread for a long time and if you are going to patent a method of doing so, the PTO better make sure that it has never been done in just that way before. Some note that people have received patents on activities that have been undertaken for decades and even centuries, and argue that merely placing an activity on the Internet does not make for novelty. Finally, there are a number of strange examples that lend themselves to questions about whether such common human activities deserve patent protection at all. Surely, the patent system is functioning in a curious manner when patents have been issued on a technique for measuring a breast with a tape to determine bra size (Pat. No. 5,965,809), methods of executing a tennis stroke (Pat. No. 5,993,366) and swinging a golf club (Pat. No. 5,616,089), an architect's method of eliminating hallways by placing staircases on the outside of buildings (Pat. No. 5,761,857), and a method for teaching custodial staff basic cleaning tasks (Pat. No. 5,851,117). Others have noted with suspicion the patent for a method of exercising a cat using a laser light as a tease (Pat. No. 5,443,036).

Other patents, granted to more serious endeavors, have also have been roundly criticized. With regard to patenting Internet adaptations of brick-and-mortar businesses, questions have arisen about patents granted for a method of selling music and movies in electronic form over the Internet (Pat. No. 5,191,573), a method of developing a statistical ''fantasy'' football game using a computer (Pat. No. 4,918,603), a method of allowing car purchasers to select options for cars ordered over the Internet (Pat. No. 5,825,651), a method of rewarding online shoppers with frequent flyer miles (Pat. No. 5,774,870), and an arguably very broad patent on managing secure online orders and payments using an ''electronic shopping cart'' to purchase goods on the Internet (5,745,681).

In lay terms, the basic question in each case is whether the patent owner merely adapted a well known business activity to the Internet in a straight forward manner. In patent parlance, the question is whether any of these activities are truly new and would not be obvious to one skilled in the relevant art. Other questions that may be relevant are whether others in the United States had known of the invention or had used it, and whether the invention was used or sold in public prior to the filing for a patent.

I am not asserting that any of these patents should be invalidated. However, patents are becoming a critical factor in valuing many new economy businesses, and that means they are significant to the health of the economy. If business method patents are indeed being issued based on insufficient information about the relevant inventions that preceded the patented invention or if a patent is issued on the basis of insufficient ''prior art,'' there is substantial risk to the inventor that those who know of the ''prior art'' could step forward at any time, invalidating the patent. This uncertainty means that investors cannot be confident that businesses will in fact reap the returns they expect on the patented inventions.

In the context of the Internet, many argue that rather than spurring innovation, patents interfere with innovation; that fierce commercial competition, as opposed to patent monopolies, has driven innovation; and that a culture of open sharing of innovation has been the key to the Internet's rapid growth. Whether this is true or false, an invention that is tied up because of an inappropriate grant of patent is problematic and may interfere with the advancement of technology. If a patent is granted for an invention that is not truly novel or one which is obvious to an expert in the field, it may then become unavailable for competitors to exploit. Such a patent may also open the user of the prior invention to an infringement lawsuit.

The U.S. patent system, created under the specific authority of the Constitution, grants for a limited time a statutory monopoly over one's inventions. An inventor should have an incentive to create—a monopoly for a limited time allows an inventor the opportunity to appropriately benefit from his creativity, and at the same time, reveal in detail the invention to allow others to build on his advances. Historically, the concept of invention was limited to the physical realm, a machine or process by which a product is produced. Over the years, however, the courts and the PTO have expanded the scope of patentable subject matter. In fact, the Patent and Trademark Office is of the view that it is operating under Supreme Court instruction to patent ''anything under the sun made by man.'' To that end, they have allowed the patenting of business methods.

Three events have contributed to the rapid growth in the number of applications for business method patents:

In the 1998 ruling in State Street Bank v. Signature Financial Group, the Court of Appeals for the Federal Circuit, (which has exclusive jurisdiction over patent appeals) concluded that methods of doing business implemented using a computer are patentable. Some interpret the opinion as not even requiring computer implementation, and thus more broadly affirming the patenting of any business method. State Street was notable because it resolved a question where there had previously been divergent opinions among the lower courts. Some courts were of the view that there was a ''business method exception'' to patentability dating back to at least 1868. In resolving this issue, the court opened the flood gates for business method patents.

The second key event has been the explosive growth of the Internet. As businesses move to the Internet, they either adapt methods of doing their ongoing brick-and-mortar business or they invent new and innovative methods to take advantage of the unique qualities of the Internet.

Finally, business executives and entrepreneurs alike are gaining a better understanding of the economic value of intellectual property and patents, and are pursuing ways to take advantage of these opportunities.

Given this growth in patent applications, has the quality of patents suffered? There are several reasons identified for the lessening of the quality of patents in this area. In the view of some, the existing patent corps does not have the expertise to examine these ''new tech'' and ''business'' patents. The PTO needs more resources to enhance their examiners expertise and increase the size of the examiner corps in the relevant areas of art. Also, as a result of industry practices, there is a dearth of ''prior art'' data, the evidence of preexisting inventions, available in the areas of the Internet and business methods.

To be patentable, an invention has to be novel, useful, and not obvious to an expert in

the field. Novelty is judged by comparing the invention with both patented and non-patented inventions. Determining whether an invention existed before the patent application was filed—or whether the invention is obvious—is an extraordinarily difficult task in the realm of business methods and the Internet. Core Internet tools such as the Amazon.com ''1-click'', may have been in use prior to the filing of Amazon's patent application. Priceline.com's ''buyer-driven sales'' over the Internet arguably may have been ''obvious'' to an expert in the field of auctions.

I do not know whether these patents should or should not have been granted (and ongoing litigation will inevitably make that determination), but it is clear that the review of business method patent applications is impaired by the lack of documentation capturing the history of innovation in the Internet or the development of business techniques and methods.

By contrast, in the fields of engineering or science (two areas in which many patents are sought), inventions and innovations are meticulously documented and published. With these publications at hand, an examiner has easy reference to existing inventions. But very little published information exists with Internet and hi-tech practices . . . and most of what does exist is analogous to ''folk knowledge'', handed from person to person orally or in chat rooms or by e-mail. Where developments are documented, there is no common organizing scheme. Where business plans are involved, they are usually closely held as trade secrets. Since an examiner can reject a patent application only on published ''prior art'', informal communications are excluded.

As to obviousness, it is usually up to the patent examiner—using his own expertise and research of ''prior art''—to assess whether an expert in the field would think to come up with the applicant's invention. In the area of business method patents, the endeavors for which patents are being sought are very new to the PTO. It has been only five years since the Internet became a tool of business, and only two years since the court clearly established the rule that a business method is patentable in the United States. Unfortunately, although PTO is taking strides to develop expertise in the appropriate fields, there must be improvement in how experts can submit information to the PTO regarding specific patent applications.

Many of the changes needed can be met only by legislative action. It is critical that we create new mechanisms to get ''prior art'' into the system and make it available to applicants and the PTO. We must enhance the deference given the PTO in rejecting patent applications on the basis of all of the provisions of subsections 102(a) and (b) of title 35 by allowing examiners to rely on evidence of knowledge, use, public knowledge or sale in the U.S. that may not be documented in published references.

I am today introducing with Mr. BOUCHER a bill that will enhance the quality of Internet and non-Internet business method patents by increasing the opportunity for expert input into the patenting process. These improvements will provide patent owners and investors alike with greater confidence in the quality of their patents. The bill requires the PTO to publish business method patent applications and give the members of the public an opportunity to present ''prior art'' they believe may disqualify the application. Members of the public may also petition the PTO to hold a hearing to determine whether an invention was known, used by others, or in public use or on sale in the U.S. prior to the filing of the application. The bill also establishes an expeditious administrative ''opposition'' process by which a party will be able to challenge a business method patent. The opposition process provides parties with substantial evidentiary tools but will be much less costly and more efficient than litigation. The opposition process must be invoked within 9 months of the granting of a patent, and must be concluded within 18 months thereafter. Thus, we assure that within 27 months after the granting of the patent, a patent owner will either have enhanced confidence in the quality of their patent—something akin to quiet title—or will know the patent has been invalidated. The procedure will be presided over by an Administrative Opposition Judge who has substantial patent expertise and will have the responsibility to assure efficient review.

In regard to adaptations of business methods to the Internet, the bill establishes that where an invention only differs from ''prior art'' in that it is implemented using computer technology, such an invention shall be presumed obvious and therefore not patentable (this presumption can be overcome if a preponderance of the evidence shows that the invention was not obvious). Finally, the bill lowers the burden of proof for a challenge to a patent from ''clear and convincing evidence'' to ''a preponderance of the evidence''—an appropriately lower standard where the difficulty of producing evidence is complicated by the traditions and practices of the industries.

In introducing this legislation I am not taking a final position as to whether business methods should be patentable—I tend to think they should be, but I could be persuaded otherwise. I am not wed to any particular provision of this bill itself But I do believe that we need to be sure that the Patent and Trademark Office is well equipped to consider these patents, that there are adequate means to get good information into the system describing prior inventions, and that there are the appropriate standards and processes in place to assure the quality of the patents that are actually issued. There should be no question that the U.S. patent system produces high quality patents.

This bill is a work in progress, and one that will likely generate great debate. As I have noted, there are some who believe that ''business methods'' should not be patentable at all. Others who are certain to argue that current law ''ain't broke'', so there is no need for Congress to fix it. Still others believe that, to the extent there may be a problem, the Patent and Trade Mark Office will address it administratively. My intent with this legislation is to stimulate the dialogue. We need to air these issues and ultimately (and hopefully quickly) find the proper solutions.

TEACHING ABOUT CONGRESS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ROEMER. Mr. Speaker, I highly recommend the following speech recently given by our distinguished former Indiana colleague Lee Hamilton. Lee has devoted his career as a public servant to improving public understanding of Congress, and I found his remarks quite timely and informative. Mr. Speaker, I submit the following remarks into the CONGRESSIONAL RECORD.

TEN THINGS I WISH POLITICAL SCIENTISTS WOULD TEACH ABOUT CONGRESS—REMARKS BY THE HONORABLE LEE H. HAMILTON, PI SIGMA ALPHA LECTURE, AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETING, AUGUST 31, 2000

INTRODUCTION

My purpose this afternoon is to offer some thoughts on the role that you, as political scientists, can play in improving public understanding of the U.S. Congress.

I do not know what each of you teaches about the Congress—but I do know—on the basis of several thousand public meetings over three decades—that the lack of public understanding about the institution is huge.

That lack of understanding among ordinary Americans concerns me deeply because it increases the public's suspicions and cynicism about the Congress, weakens the relationship between voters and their representatives, makes it harder for public officials to govern, and prevents our representative democracy from working the way it should.

I believe you can improve public understanding of Congress by teaching several basic, and rather simple, lessons about this sometimes puzzling institution.

If Americans leave high school and college with a solid understanding of Congress, they will be better able to contribute to our nation's political life and will help make our representative democracy work better.

TEN THINGS TO TEACH ABOUT CONGRESS

First, I'd like you to teach that Congress is the most important link between the American people and their national government.

Many Americans have little appreciation for the basic function and role of Congress in our political system. I want you to help them understand that Congress is the institution whose job it is to seek consensus out of the many and diverse views of the American people. I want you to explain that Congress performs the extraordinary task of legislating and overseeing the government in the interest of more than 275 million Americans.

For all its deficiencies—which I will get to later—Congress has three great strengths:

Congress is, by far, the most representative institution in the United States. We live in a complicated country of vast size and remarkable diversity. Our people are many; they're spread far and wide; and they represent a great variety of beliefs, religions, and ethnicities. It isn't easy for such a country to live together peacefully and productively. Although Congress does not perfectly mirror the demographics of the American people, it does help bind us together by representing the country's great diversity.

Congress is also accessible—much more so than any other part of the federal government. Congress is the primary ''listening

post'' of the people. If an ordinary American has a complaint or suggestion about the government, he cannot reach the President, or the Vice President, or a cabinet secretary—or even a deputy assistant secretary. He can reach his Representative or Senator.

And Congress is our nation's chief deliberative body. It is the place where the many views and interests of the American people on all manner of subjects get thrashed out. It remains the central forum for vigorous public debate, consensus building and decision making on the most important issues of the day.

Second, I'd like you to explain that Congress has a major impact on people's everyday lives.

Many Americans believe Congress accomplishes little and is simply irrelevant to their daily lives. I'd like you to help correct that misperception.

While Congress is no longer the most powerful institution in the national government—as it was at the beginning of the 19th century—it is still an important shaper of national life.

Americans pay more attention to Congress as they understand the impact congressional decisions have on the fabric of their lives. When Congress funds basic research in science, it's helping create the future cures for deadly diseases. When it raises the minimum wage, it's enabling people to rise out of poverty. When it protects national parks, it's preserving our natural heritage.

I want Americans—I want your students—to appreciate that nearly every aspect of their lives is touched by the decisions of Congress.

It's remarkable how quickly we forget that Congress has been involved in some big things in recent years: Erasing the federal deficit; Overhauling the welfare and public housing systems; Rewriting telecommunications laws; Approving billions to improve roads and bridges; and Liberalizing international trade.

Although we may not all like what Congress did on each of these issues, after debating policy options and gauging public sentiment, it acted.

Third, I'd like you to emphasize that Congress was not designed to move quickly and efficiently.

One of the most common complaints about the Congress is that it's always arguing and bickering. I must have heard the complaint a hundred times: ''Why can't you guys ever agree?''

This perception is a major factor in the public's lack of confidence in the institution.

Why is it so difficult for Congress to reach agreement? Part of the answer involves politics. The struggle for partisan or personal advantage, particularly in an election year, can stall the work of Congress substantially.

But there is much more to it than that. Our system of government was intentionally set up with many checks and balances to prevent hasty action. Legislative dispute and delay, while frustrating, are not necessarily signs of democracy in decay.

The task of achieving consensus is made especially difficult today because the issues before Congress are so numerous, complex and technical, and they come at Members with staggering rapidity.

In the Federalist Papers, Madison wrote that a Member of Congress must understand just three issues: commerce, taxation and the militia. To a Member today, that observation is a bit quaint, to say the least.

Take the ten most difficult issues facing our country and you can be sure that Congress will take each of them up in some form over the coming year.

People misunderstand Congress' role if they demand that Congress be a model of efficiency and quick action. Congress can work quickly if a broad consensus exists in the country. But such a consensus is rare—especially on the tough issues at the forefront of public life today. Usually, Congress must build a consensus. It cannot simply impose one on the American people.

The quest for consensus can be painfully slow, and even exasperating, but it is the only way to resolve disputes peacefully and produce policies that reflect the varied perspectives of our diverse citizenry.

Fourth, I'd like you to highlight the great dynamism and complexity of the legislative process.

When I visit with students in American government classes, I make a point of flipping through their textbooks to see the diagram illustrating ''How a Bill Becomes a Law''. The diagram usually explains that a piece of legislation, once introduced, moves through subcommittee and committee, then to the House and Senate floors, then to a House-Senate conference, and finally to the President for his signature or veto.

In a technical sense, of course, these diagrams are generally accurate. But my reaction to them is: ''How boring! How sterile!'' They fail to convey the challenge, the hard work, the excitement, the obstacles to overcome, the political pressures, the defeats suffered, and the victories achieved to enact legislation. They give a woefully incomplete picture of how complicated and untidy the legislative process can be, and they barely hint at the clash of interests and the multitude of difficult things a Member must do to shepherd an idea into law.

One of the most important and time-consuming aspects of the legislative process is conversation: the scores—even hundreds—of one-on-one talks that a skillful Member will have with colleagues to make the case for a particular bill, to learn what arguments opponents will use to try to block it, and to get a sense of what adjustments might be needed to move it along.

These conversations end up posing difficult dilemmas to a Member pushing a bill. For instance, should the Member alter the proposal to broaden its appeal, or keep the bill as it is and hope to defeat the opposition?

How should the Member use the media—to rally public support behind the measure, put pressure on opponents, and advance the legislation?

The increased size and scope of individual bills today makes the legislative process still more complicated. Almost half of the major bills are referred to more than one committee in each chamber. Ad hoc caucuses are sometimes created to address new concerns. As the number of actors involved proliferates, the possibilities for conflict over a bill increase.

All of this adds up to a process that is extremely dynamic, unpredictable and messy. There are ways for astute Members to get around nearly every stage in the traditional model of the process.

Even for Members, it can be difficult to know when and where the key decisions on a bill will be made.

Fifth, I'd like you to teach that what this country needs is more, not fewer, politicians.

Members of Congress are, first and foremost, politicians. Their number one objective is to get re-elected.

Yet the art of politics does not often get high praise these days. When the federal government was almost shut down a few years back, that was considered ''politics''. When Washington, D.C. was consumed by the impeachment of President Clinton, and the rest of the people's business had to take a back seat, that was attributed to ''politics''.

Showing skill as a ''politician'' has come to mean demonstrating the ability to raise campaign funds, to engage in the tit-for-tat exchange of negative advertising, to fudge your positions, or to jockey for public support based on polls and focus groups.

But the fact is that good politicians are vital to the success of our representative democracy. When I say ''politician,'' I mean someone who knows how to practice the art of politics.

This art involves an assortment of important, but often underappreciated, skills. Good politicians must know how to listen—in order to find out what people want. They must be able to build support for their ideas with colleagues, constituents and key individuals. They must search for common ground across parties and among people with diverse interests. They must be able to compromise while preserving core beliefs. And they must get results—achieving passage of legislation that meets people's needs.

To avoid coming apart at the seams, our country needs people who know how to practice the art of politics. That is what good politicians do: they make democratic government possible in a nation alive with competing factions.

Politicians may not be popular, but they are indispensable to making representative democracy work.

That's why we need more politicians, not fewer.

Sixth, I'd like you to teach that Members of Congress behave better than people think.

The perception that Members are corrupt, or immoral, or enriching themselves at the taxpayer's expense, takes a serious toll on our system of government.

Americans of all stripes like to dwell on misbehavior by Members of Congress. People look at the latest scandal and assume they're seeing the real Congress. But they're not, not by a long shot.

Don't get me wrong. I'm not proposing my former colleagues for sainthood. But as the press lauds two vice presidential candidates—Republican Dick Cheney and Democrat Joe Lieberman—for their probity in Congress, we should remember that probity is the rule, not the exception.

Some Members, of course, do engage in improper conduct—and our system of financing elections degrades politician and donor alike—but my experience is that most Members are remarkable people who care deeply about our country and seek to better it through their public service. Most could make far more money on the outside, but choose to serve in Congress because they want to contribute to their country.

Moreover, the ethical standards in Congress are higher than ever before. When I entered the House, gifts and the use of campaign contributions for personal use were unrestricted; financial disclosure was not required of Members; there was no written code of conduct; and no standing House ethics committee existed to police the membership. All that has changed.

Certainly, Congress still has major strides to make in this area. The role of the House Ethics Committee, for instance, has not yet been fully worked out, and its performance has been disappointing over the last few years.

But the ethical climate at the Capitol is light years ahead of where it was a couple of

decades ago. And, I might add, light years ahead of the common wisdom.

Seventh, I'd like you to teach that Members of Congress do pay attention to their constituents.

Often I hear that Members of Congress only pay attention to power brokers and big-time donors and don't care about ordinary citizens. That simply is not true.

Sometimes when I stood in front of a roomful of voters, I could feel a curtain of doubt hanging between them and me: I took the positions I did, they believed, because of this or that campaign contribution, not because I'd spent time studying and weighing the merits of issues. They had given themselves over to cynicism, and cynicism is the great enemy of democracy. It is very difficult for public officials to govern when their character, values, and motives are always suspect.

Of course, Members of Congress are influenced by special interests—often too much, in my view—but they are even more influenced by their constituents.

Members are—for the most part—very good politicians. They know what their constituents think. They hold numerous public meetings, poll their districts regularly, talk on the phone with constituents frequently, and answer hundreds of letters and e-mail messages daily. They are constantly helping to solve constituents' problems.

Members really do believe that constituent views are important; during all my years in Congress I never heard a Member say otherwise.

My view, in fact, is that Members are sometimes too close to their constituents—particularly when they risk reflecting their constituents' views at the expense of their own judgment. It was Lincoln who said that the art of democratic government is to be out in front of your constituents, but not too far out in front.

Eighth, I'd like you to emphasize that citizens play an essential role in making Congress work.

The American people bear more responsibility for the success of our representative democracy than they realize. If people don't participate in the political process, their views cannot be effectively represented. This is not just a matter of voting. Our system depends upon open and trusting interaction between representatives and the people who elected them.

Let me give you an example of what I mean. Back in the late 1970s, I was meeting with a group of constituents in Switzerland County, a deeply rural, tobacco growing county in the far southern corner of Indiana. It was not a place I expected to come for enlightenment on international politics.

While talking with the group, though, the subject of the Panama Canal treaties came up. This was well before the media had focused on the issue, but a man I'd never met suddenly stood up and laid out the clearest, most evenly reasoned argument for ratification that I ever did hear on the matter—even after the treaty debate mushroomed into a raging national issue. I was flabbergasted, but took it as a humbling reminder that as a Member of Congress, you can always find constituents who can teach you a thing or two about an issue.

My constituent in Switzerland County understood that the relationship between a citizen and a representative requires more than a quick handshake, or a vote, or a moment's pause to sign a computer-generated postcard. He understood that there must be a conversation, a process of mutual education, between citizens and representatives.

Many Americans have given up on the conversation. They must understand that they need to get involved if they want our system to improve.

They need to know that the nature of this relationship between the representative and the represented—and the honesty of the exchange between the two—shapes the strength of our representative democracy.

Ninth, I hope you teach that Congress needs a lot of improvement—to make it more accountable, transparent, responsive and efficient.

I urge you to be unrelenting critics of the Congress—but in the context of everything else I've said so far.

I won't go into detail here because you are familiar with these problems.

The incessant money chase—to fund increasingly costly campaigns—diverts Members' attention from their important responsibilities and leads to a growing sense that access is bought and sold.

Many Members—especially Members of the House—operate today in a state of perpetual campaigning. Rather than trying to develop consensus and pass laws, they view the legislative session primarily as an opportunity to frame issues and position themselves for the next election.

It is extremely difficult to defeat incumbents in Congress. Their financial advantages are great and they use the redistricting process to create districts that are heavily partisan in their favor.

Bitter partisanship and personal attacks have become all too common in Congress—poisoning the atmosphere and making it harder to meet the needs of the country.

Special interest groups have too much influence over Congress. They play an important role by representing the views of different segments of the population, but they often have tunnel vision—advancing narrow interests at the expense of the national interest.

The committee system has been eroded and is close to collapse. Legislation is regularly drafted in informal settings outside the authorizing committees and brought directly to the House or Senate floor.

Congress devotes too little attention to some of the country's major long-range challenges. How can we ensure that we have adequate food, energy, and water supplies well into the future? How do we maintain a prosperous and open economy? What domestic and international environmental challenges will we face? Congress spends so much of its time struggling to pass its basic spending bills that these kinds of long-term issues are simply set aside and not dealt with.

Congress doesn't perform adequate oversight of government programs. Oversight of the implementation of laws is at the very core of good government. But congressional oversight has shifted away in recent years from the systematic review of programs to highly politicized investigations of individual public officials.

Current scheduling practices make it difficult for Congress to carry out its responsibilities. The 2 1/2 to 3 day legislative workweek makes it impossible for Members to attend all of their committee meetings and other official business.

There is a severe lack of accountability in the appropriations process. Congress increasingly turns to omnibus legislation—combining hundreds of different provisions into one huge bill, tacking on unrelated riders and wasteful earmarks,

The rules for the consideration of bills in the House are often too restrictive. Although there has been some improvement in the 106th Congress, the House leadership has tended over the years to design rules that sharply curtail debate, restrict the opportunity for the average Member to participate, and limit the amendments and policy options that can be considered.

The Senate regularly fails to consider presidential nominations for key judicial posts and cabinet positions in a timely manner. This practice blocks appointments that are critical for the effective functioning of our government.

Congress must take its own reform seriously. It should work on reform every year—not every ten years, as has been its pattern.

Finally, I'd like you to teach that in spite of these many problems with Congress, our representative democracy works. It may be slow, messy, cumbersome, and even unresponsive at times, but it has many strengths, and continues to serve us well.

Some say our institutions of government—including the Congress—create more problems than they solve. In the past decade, we experienced an intensified assault on government from some quarters, and ''government'' and ''Washington, D.C.'' became bad words, symbols of the worst kind of corruption and waste. My hope is that we are now beginning to move away from that kind of extreme anti-government rhetoric. The more positive tone of the present presidential campaign would suggest that we are.

Representative democracy, for all its faults, is our best hope for dealing with our nation's problems. It works through a process of deliberation, negotiation and compromise—in a word, the process of politics. Politics is the way we represent the will of the people in this country. At its best, our representative democracy gives a system whereby all of us have a voice in the process and a stake in the product.

I don't for a moment agree with those who think that our representative democracy has failed or that the future of the country is bleak.

Just consider the condition of America today. In general I think it is a better place than it was when I came to Congress some 35 years ago.

Of course, our country still faces serious problems—from reducing economic inequality to improving access to health care to strengthening our schools—but overall we are doing quite well.

We must be doing something right.

Churchill's remark that ''democracy is the worst system devised by the wit of man, except for all the others,'' still rings true.

I would hope that when each student leaves your class, he or she would appreciate that this representative democracy of ours works reasonably well.

RECOGNIZING THE NATIONAL WALK OUR CHILD TO SCHOOL DAY IN HONOR OF JOHN LAZOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize Wendy Lazor, Councilman Ed Fitzgerald, the Lakewood City Council, and the Lakewood Board of Education for their work in establishing the ''International Walk your Child to School Day,'' in honor and memory of John Lazor.

The tragic loss of three-year-old John Lazor occurred on April 26, 2000, while on an innocent walk to the corner store with his day care provider. A pickup truck backed from across the street into the driveway which young John was standing in, killing him instantly. This tragedy emphasizes the importance of taking precautions and the need for children's safety education. John's courageous mother, Wendy Lazor, has decided to dedicate herself to the advocacy of pedestrian safety, especially children. Amazingly, she found strength in the midst of her loss to work as an advocate for the public good. She is the driving force behind Lakewood, Ohio's recent resolution to establish Wednesday, October 4, 2000, as National Walk Our Children to School Day.

Along with the help of the Lakewood Board of Education, City Council and Councilman Ed Fitzgerald, The Lakewood Early Childhood Professionals has decided to dedicate a special event, the National Walk Our Children to School Day, in John Lazor's honor. All of Lakewood can participate in this event, in which the purpose is to provide an opportunity for adults to teach children about pedestrian safety and choosing safe routes to school, and to help make our communities more safe for walking. Because Lakewood is a densely populated city, and one in whose children typically walk to and from school on a daily basis, the City Board of Education has decided to support and encourage participation in National Walk Our Children to School Day. The city's main event, honoring the memory of Wendy Lazor's son, John, will be held at his old school, Franklin Elementary.

Mr. Speaker, I ask my fellow colleagues to rise with me in recognition of the hard work and dedication of Wendy Lazor, Councilman Ed Fitzgerald, and the rest of the City of Lakewood's Public and Educational Leadership for their support of the National Walk Our Children to School Day. And let us honor the memory of the young John Lazor, and the courage of his mother, Wendy, for striving to better the community even in the face of personal strife and distress. Her selfless compassion and triumph in the face of tragedy is inspirational to all.

COMMENDING THE AMARILLO VETERANS AFFAIRS HEALTH CARE SYSTEM

HON. LARRY COMBEST

OF TEXAS

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. COMBEST. Mr. Speaker, I, along with my distinguished colleague, Mr. THORNBERRY, wish to congratulate the Amarillo Veterans Affairs (VA) Health Care System for receiving the Robert W. Carey Quality Award from the Department of Veterans Affairs. This annual award is one of the highest honors that a VA facility can receive. The Carey Award recognizes model organizations for their quality transformation efforts, organizational effectiveness, and improvements in performance service and satisfying customers. The Amarillo VA Health Care System, which provides medical assistance to veterans throughout the Texas and Oklahoma Panhandles and portions of Eastern New Mexico and Southern Kansas, received the 2000 Carey Award for the health care category.

The Amarillo VA Health Care System serves a population of 75,000 veterans and houses an acute care facility, nursing home, two community-based outpatient clinics, and four contractual primary care clinics. Over 25,000 patients are treated annually, including 3,300 inpatient and over 200,000 outpatient visits. They have implemented a wide variety of innovative measures, from moving the Substance Abuse Program to an outpatient setting to restructuring Primary Care and to establishing a safety program to reduce employee accidents. Through the use of employee teams, the hospital now administers a Bar Code Medication Administration, which uses computer technology to track and monitor patient medications. In addition, they have established a pilot program of the Computerized Patient Record System, enabling the hospital to coordinate patient information so that all aspects of the health care system may be utilized.

The mission of the Veterans Health Administration and the Amarillo VA Health Care System is to improve the health of the served population by providing primary, specialty, and extended care, and related social support services through an integrated health care delivery program. As a learning organization, the VA Health Care System continually raises the standard for VA facilities nationwide. By focusing on trust, teamwork, and continuous improvement, the Amarillo VA has been able to greatly reduce the costs of primary care, increase the quality of health care available and improve employee relations. These combined efforts have built a facility that provides an invaluable service to thousands of veterans.

It is with pride that we recognize the doctors, nurses, administrators, volunteers, and other staff who have contributed to this outstanding accomplishment. Thanks to their tremendous efforts, West Texas is home to an outstanding veteran health care provider. We wholeheartedly extend our congratulations to the Amarillo VA Health Care System for receiving the 2000 Robert W. Carey Quality Award.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. PORTMAN. Mr. Speaker, because I was unavoidably detained, I missed Roll Call Votes #503, 504 and 505 yesterday.

Had I been present, I would have voted "Yea" on each bill.

HONORING KATARYNA CHOMIK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KILDEE. Mr. Speaker, I am happy today to recognize the accomplishments of a woman who has unselfishly worked to improve the quality of life for our citizens. On Tuesday, October 10, members of Flint, Michigan's International Institute will gather to present to Mrs. Kataryna Chomik its prestigious Golden Door Award, given annually to an immigrant who has made a positive impact on the greater Flint community and the Institute itself.

Born in February of 1920, in the Western Ukraine, Irena, as she has come to be known, grew up with her parents and seven sisters. As a child, Irena promised to never leave her home or family. However, several family tragedies, including the death of her father, prompted Irena's mother to send her away to work as a companion and nursemaid to Maria Lewicka, the daughter of a Ukranian priest who was recovering from a spinal injury. Although Irena's strong faith had been forged early in her life, this experience strengthened her beliefs and her commitment to service.

At the beginning of World War II, Irena was sent to a school for kindergarten teachers, and upon graduation, managed a village program. The war progressed and headed in the direction of Irena's town. Ukranian churches were being destroyed and the clergy exterminated, but Irena continued to work to preserve her heritage. As a result, she was sentenced to ten years of hard labor by a Soviet war court, but was later retried and released. After this, Irena fled on foot, finding refuge in a Czechoslovakian convent, where the Sisters bought her a plane ticket to Belgium.

It was in Belgium that Irena met Nicholas Chomik, who would later become her husband. On Christmas Eve 1950, the Chomiks, along with their daughter, Olga, were welcomed to their new life in the United States by a sight that told them that all their struggles had not been for naught—the Statue of Liberty. After living on the East Coast for a year, the Chomiks moved to Flint, where Nicholas found employment with General Motors, and Irena worked as a seamstress. During this time, the Chomiks were blessed with two more daughters, Mary and Daria.

It was during this time that Irena began a long-standing relationship with the group that greatly helped her when she first came to America, the International Institute. Irena was always on hand volunteering on various committees, and participating in activities such as international dance exhibitions, parades, and her annual Ukranian Easter Egg workshops.

Mr. Speaker, I am truly fascinated by stories such as Kataryna Chomik's. Through tremendous adversity, she has been able to live the true American dream. She is truly an inspiration to all who come into contact with her. I ask my colleagues in the 106th Congress to please join me to congratulate and wish Irena the very best.

A TRIBUTE TO THE MINORITY ARTS RESOURCE COUNCIL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BRADY. Mr. Speaker, today I honor the Minority Arts Resource Council as it sponsors the Third Annual African American Rodeo in the First Congressional District. The rodeo focuses on the important contributions of African American Western pioneers. It also offers the opportunity for thousands of inner city school children to view a part of American history that has been left out of history books.

The African American Rodeo is a real life exciting spectacle that spotlights the role African Americans played in the settling and shaping of the American West. It tells the stories of the legendary Black heroes of the old West, including Bill Pickett, who invented the sport of bulldogging or steer wrestling. If he had not been banned from completing with white rodeo contestants, Pickett may well have become one of the greatest rodeo record setters.

Therefore, I proudly support the African American Rodeo and I thank MARC for its efforts to showcase the contribution of the Black cowboy so that our children can learn about an important American story that for too long has gone untold.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Monday, September 25, 2000 I was unavoidably detained in my district. During my absence, I missed roll call votes 487, 488, 489, 490, 491, and 492.

Had I been present, I would have voted "yes" on each of the motions.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. KUCINICH. Mr. Speaker, I stand in support of H.R. 2392 which would reauthorize the Small Business Innovation Research Program (SBIR). The current SBIR authorization is due to sunset on October 1, 2000. H.R. 2392 would extend the SBIR authorization into the next decade and provide a mechanism for federal agencies to contract with small business for research and development projects. This important program is critical for the support of small high-tech companies and fosters technical innovation which results in the nation's economic growth. The commercialization of research and development results in major economic benefits to the nation; the creation of long-term jobs with subsequent generation of increased income, spending and economic growth.

I know that technological advancement is a key driving force of our national economic growth. The revolution in telecommunications is one example of the effects of technical progress in the growth of the national economy, and also an increase in our standards of living. Technical advances drive the economic growth in several ways; it contributes to the creation of new jobs, new services, new industries and new capital formation. In the past major technological innovation was provided by major corporate research centers. Today small, entrepreneurial companies are playing increasingly important roles in our technological advancement and economic growth. These small high-tech companies create new products and services, develop new industries, and are major factors in driving both technological change and growth in our national economy. The SBIR program is critical to the continuation of the critical involvement of small businesses in our technological advancement. I support H.R. 2392 because it will contribute to the growth of jobs and promote technological innovation.

CONGRATULATING CONGREGATION B'NAI ISRAEL

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SAXTON. Mr. Speaker, please join me in congratulating Congregation B'nai Israel in Toms River, New Jersey for its 50th anniversary. Established in 1950, Congregation B'nai Israel has provided a number of important services to the Toms River community. These services are, but not limited to, study of the Torah, a nursery school, a variety of summer programs, numerous youth activities, and adult education programs. Also, important to note is the fact that the congregation has continually provided volunteer services to Caregivers, an interfaith coalition whose mission is to train volunteers to provide home care services the frail elderly, the disabled and the homebound. Such services are indispensable to the Toms River community.

Since 1950, Congregation B'nai Israel has grown exponentially. Today, the congregation consists of 500 families, which makes it the largest synagogue between Monmouth County and Atlantic City.

It is important to recognize the totality of Congregation B'nai Israel's contributions to the entire Toms River community. Simply put, Congregation B'nai Israel offers the needed atmosphere, environment, and dedication to promote and enrich the lives of each synagogue member.

Mr. Speaker, I would like to congratulate Congregation B'nai Israel for their upcoming 50th anniversary of their founding. May your gala dinner and dance at the synagogue be joyful.

VIOLENCE AGAINST WOMEN ACT OF 2000

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. LEE. Mr. Speaker, I rise today to strongly urge the Senate to reauthorize the Violence Against Women Act (VAWA). Last week, the House passed VAWA by a vote of 415–3.

VAWA's authorization expired on September 30, 2000. This means that the funding for these programs is scheduled to run out this month.

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 women who have been victimized and abused.

I join my colleagues in urging the Senate to pass the reauthorization bill now.

The women and the children of this nation are depending on the passage of this important piece of legislation to help stop violent crimes against women.

LITTLE FLOWER MANOR MARKS 25 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Little Flower Manor of Wilkes-Barre, Pennsylvania, a nonprofit skilled nursing home which is celebrating its 25th anniversary of compassionate, loving care and service to the community. The Carmelite Sisters for the Aged and Infirm operate Little Flower Manor under the auspices of the Diocese of Scranton.

This exceptional facility opened its doors in 1975, a living tribute to the vision, dedication and persistence of the Most Reverend J. Carroll McCormick, the late Bishop of Scranton, and the generosity of the faithful of the Diocese.

This dedication to provide service to the aged continues under the leadership of the Most Reverend James C. Timlin, the present Bishop of Scranton. At Little Flower Manor, each resident is given the attention required to enable him or her to maintain personal dignity, individuality and independence.

A 25th Anniversary Gala will be held Nov. 3, 2000, at the Woodlands Inn and Resort with Judge Peter Olszewski as guest speaker. Sister Jeanette D. Lindsay, administrator and chief operating officer of Little Flower Manor, will present the inaugural Crystal Rose Award. The honored recipients are Mr. and Mrs. John D. McCarthy and the late Bishop McCormick.

Jack and CeCe McCarthy have been outstanding supporters of the values, commitment and mission of Little Flower Manor, practicing stewardship by giving unselfishly of their time, talents and treasure.

Mr. Speaker, I send my congratulations and best wishes to the McCarthys, the Carmelite Sisters, the Diocese of Scranton, and everyone who plays a part in Little Flower Manor's continued service to its residents.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE UKRAINIAN-AMERICAN YOUTH ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Ukrainian-American Youth Association's 50 years of distinguished service to Greater Cleveland's Ukrainian youth population.

The Ukrainian-American Youth Association, a group which educates the young about traditional Christian and patriotic values, embodies the very values it pledges to teach. Guided by the principles of organizing, nurturing, and educating youth under the ideals of ''God and Ukraine,'' the Youth Association promotes Christian ethics and pride in their Ukrainian national heritage. Our community has been gracefully elevated due to the work of this dedicated organization which encourages tomorrow's leaders to step forward into positions of leadership in the Ukrainian-American community, as well as the larger local, national, and global communities.

A debt of gratitude is owed to the Ukrainian-American Youth Association. The young, who have been touched by the caring, ''spirit invoked'' ideals taught there, have grown to become the model citizens and leaders in our community who we are always eager to welcome. Mindful of the role of the citizen in his or her respective locality, the Ukrainian-American Youth Association instructs its youth about the duties and responsibilities of good citizenship, always encouraging and challenging them to become leaders within their Ukrainian culture and their communities-at-large. The firm foundation of educating the Ukrainian youth about the value of freedom should not be underestimated. Rather, it is the very basis for the continuing engagement of our all-too-often apathetic youth, and therefore, the basis of the improvement of our society in both the near and distant future.

Mr. Speaker, I ask that my colleagues rise with me today in celebration of the Ukrainian-American Youth Association's 50 years of service to the Ukrainian-American youth population. Many young persons have surely benefitted from the work of this tireless group, and our nation has surely benefitted from the Youth Association's instruction on the virtues and responsibilities of good citizenship and the value of freedom. Let us honor this distinguished group and let us wish them 50 more years of fantastic service to our population.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FILNER. Mr. Speaker, due to the death of my father, I did not attend the session of June 28, 2000 and June 29, 2000. Had I been present, I would have voted as follows on the roll call votes indicated:

#352—yes, #353—yes, #354—yes, #355—no, #356—yes, #357—no, #359—no, #360—no, #361—no, #362—no, #363—yes, #364—no, #365—yes, #366—no, #367—no, #368—no, #369—no, #370—no, #372—yes.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RADANOVICH. Mr. Speaker, Taiwan is a free democratic nation in the Pacific and a shining example of economic success and total democratization. Taiwan's accomplishments are too numerous to mention here, but I do want to note that Taiwan's success is directly attributable to its people's industriousness and its leader's wisdom. Today nearly everyone in Taiwan is middle class, and is enjoying the country's many amenities—such as good food, adequate housing, a good transportation system, excellent schools and crime-free neighborhoods. Politically, people can freely express their opinions and elect their leaders at every level. Press freedom and human rights are also guaranteed by Taiwan's constitution.

Therefore, to my friends in Taiwan, I want to go on record stating that you have done a wonderful job and congratulations on your 89th National Day.

HONORING THE MONTGOMERY COUNTY FAMILY SERVICES

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Family Services as they celebrate 100 years of exemplary service in Montgomery County, Pennsylvania. This organization was established when three local nonprofit organizations merged. Family Services of Pottstown, the Lower Montgomery County Service Society, and the Main Line Neighborhood united to provide the community with outstanding social services.

The 13th Congressional District of Pennsylvania benefits from many programs implemented by Family Services. The services provided by this group address a variety of needs including counseling, access to housing, medical care, delivery of meals, identifying peer support systems, and locating resources to prevent future problems.

Family Services works on many programs that have become an integral part of our community including: Meals on Wheels; Project HEARTH (Helping Elderly Adults Remain in Their Homes); Project HOPE, which provides HIV/AIDS Prevention and Support Services; Families and Schools Together; and Safe Kids. Family Services also provides workshops and seminars such as ''Family Violence Prevention'', ''Dating Violence Prevention'', and ''Partnerships for Community Building'', which help families confront many of today's challenges.

It is an honor to recognize the remarkable impact this organization has on the community. Family Services has enhanced the quality of life for many of my constituents and it is a privilege to represent such an extraordinary organization.

IN HONOR OF RITA CESTARIC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, today I pay tribute to Rita Cestaric who has been an outstanding citizen of my district and our state. Rita Cestaric's entire life has been one of devotion to her family, her friends and her community. Her passion for service to community helped to encourage the involvement of many people in public life, including myself. She was ever the activist, prodding and pushing, moving mountains on behalf of her city and her nation. She was a civic and political force for decades in North Olmstead, Ohio.

The home of Rita and her devoted husband, John Cestaric, was always a hub of activity in the community. With John's patient support, the Cestaric household was an important stop in any political campaign. Her children, Rita, Carole and John were always in amazement at the endless stream of activity which characterized the Cestaric home. They saw firsthand the impact of their mother's dedication and understood how significant her help was to so many people.

Public officials came to the Cestaric home not only to meet the people of the neighborhood, but they were drawn to Rita. She gave wise counsel to generations of public servants who sought her assistance. She always had a sense of what was in the public interest. Her wisdom was the wisdom of the people and when she spoke you always knew that hers was unmistakably the voice of many. She was an exemplar of the power of women in politics. She was a singular force for encouraging many women to become involved in the civic life of their communities.

Rita Cestaric was an optimist. She faced all challenges in life with equanimity. She suffered the loss of her dear husband John, and still she moved ahead to continue her contributions of her time and her efforts. And when she at last faced her most serious personal challenge to her health, she did so without complaint, but with great inner strength and beauty.

Mr. Speaker, I ask that Members of the House of Representatives of the United States

of America join with me in paying tribute to the life of Rita Cestaric, and expressing gratitude for her love of country and her service to community.

TRIBUTE TO MR. AND MRS. WILLIE McCOY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. CLYBURN. Mr. Speaker, today I pay tribute to Willie and Agnes McCoy on the occasion of their 60th wedding anniversary. Sixty years of marriage is an accomplishment that is worthy of recognition, and I'd like to add my wishes for a happy 90th year to Mr. Willie McCoy. He celebrated his 90th Birthday on the 4th of September.

In June of 1940, Willie McCoy and Agnes Green met in Jacksonville, Florida. After an instant connection and brief courtship, Willie and Agnes were married on November 16, 1940. They were wed in the home of a friend by Rev. H.H. Robinson, whose words to them were ''always respect each other, and never be too proud to say I'm sorry.'' Upon this foundation of respect and humility, coupled with love, honesty, and trust, an exemplary marriage was forged.

Throughout their many years together, they have been blessed with seven children, sixteen grandchildren, many great-grandchildren, and a number of wonderful nieces, nephews, and close friends. One of their children, Willie, is a very good friend to me and my family.

To each other, they are gifts from God. To us, they are an example of true love and friendship. Mr. Speaker, I ask you and my colleagues to join me in honoring Mr. and Mrs. Willie McCoy on their 60th wedding anniversary, and Mr. Willie McCoy on his 90th birthday.

RECOGNITION OF YOUTH CIVIC LITERACY MONTH AND THE IMPORTANT CONTRIBUTIONS OF WAYNE STATE UNIVERSITY'S CIVIC LITERACY PROJECT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. STABENOW. Mr. Speaker, today I recognize the Youth Urban Agenda/Civic Literacy Project of Wayne State University. As a result of their efforts to encourage youth participation in the political process, the month of October 2000 is being recognized as Youth Civic Literacy Month in Wayne County Michigan.

The Youth Urban Agenda/Civic Literacy Project started at Wayne State University in 1986 in an effort to promote programs to teach students about civic responsibility and provide them with the tools they need to build a real political agenda. This month the Project will convene an international telecommunications event entitled ''A Youth Urban Agenda in the New Millennium.'' The event will be held in Detroit, Michigan with the participation of students and teachers from one hundred twenty middle schools, high schools, adult education programs and post-secondary institutions in Southeast Michigan. They will be linked with teachers and students from major U.S. and non-U.S. cities.

In an era when so many people have become disillusioned with the political process and have stopped participating, it is vitally important that we energize our young people to become involved. It is my pleasure to acknowledge and commend Wayne State University and the Youth Urban Agenda/Civil Literacy Project for it's leadership and vision in preparing young people to fully participate in the political process.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday October 2, 2000, and as a result, missed roll call votes 503 through 505. Had I been present, I would have voted ''no'' on roll call vote 503, ''yes'' on roll call vote 504, and ''yes'' on roll call vote 505.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 503, H.R. 4049, the Privacy Commission Act. Had I been present I would have voted ''yea''. Mr. Speaker, I was unavoidably detained for rollcall No. 504, H.R. 4147, the Stop Material Unsuitable for Teens Act. Had I been present I would have voted ''yea''. Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 505, H.R. 3088, the Victims of Rape Health Protection Act. Had I been present I would have voted ''yea''.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 4049 (rollcall No. 503), to establish the Commission for the Comprehensive Study of Privacy Protection, introduced by the gentleman from Arkansas, Mr. HUTCHINSON, I would have voted ''Nay''

On H.R. 4147 (rollcall No. 504), to amend Title 18 United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors, introduced by the gentleman from Colorado, Mr. TANCREDO, I would have voted ''Yea''.

On H.R. 3088 (rollcall No. 505), to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape, introduced by the gentleman from Pennsylvania, Mr. WELDON, I would have voted ''Yea''.

IN HONOR OF JOSEPH A. BALZANO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SAXTON. Mr. Speaker, I make special note of a very important person who has served the State of New Jersey, the City of Camden, and the Delaware River port community for 50 years.

Mr. Joseph A. Balzano, or Joe as we call him, serves as Executive Director and Chief Executive Officer of the South Jersey Port Commission, Port of Camden. The South Jersey Port Commission hired Joe in 1951 as an equipment operator. He quickly moved into management, serving as the Port Operations Manager from 1961 to 1982, then as Deputy Director of the Commission from 1982 to 1989, and finally as Executive Director and CEO since 1989. On August 22, 2000, he began his 50th year working for the Port of Camden.

My friend Joe has had a very interesting career with many highlights. One of these highlights was his integral role in helping to bring the retired Battleship USS *New Jersey* (BB–62) to its namesake home of New Jersey, and to its final resting place as a national museum docked in the Port of Camden.

Joe was born and raised, attended school, married and raised his family in the City of Camden. He has received many honors and awards over the years—too many to list here—and is among the best senior executives in the maritime industry.

The Port of Camden is thankful that Joe Balzano's knowledge, wisdom, leadership and dedication have blessed New Jersey and the Delaware River port community for five decades. Moreover, we are fortunate that his presence will continue to grace the streets of Camden for years to come.

On behalf of the United States Congress and the 3rd Congressional District of New Jersey, I thank Joe Balzano for his distinguished service and dedication to the Port of Camden and to the State of New Jersey.

COMMEMORATING UNITY DAY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I commemorate Unity Day, which is being celebrated in Germany today. October 3, 2000 marks the 10th Anniversary of Germany's Reunification.

Growing up, I learned about two countries called Germany—the West and the East—an ally and an enemy. For over 40 years, this country was divided; families were separated, and most strikingly, vastly different political ideologies governed these two nations.

However, the highly dynamic 20th Century allowed the generation which witnessed the division of this great nation see it reunified on October 3, 1990. What once seemed impossible became unstoppable as the Berlin Wall opened on November 9, 1989, and streams of excited people crossed into the west. While these people were separated by geography and government, their German heritage and common memory of one country kept them together.

While the desire to reunite these two nations was strong, significant economic, political, and social challenges faced the newly united Germany. Despite these issues, the German government and her people pressed forward, refusing to look back.

Today, Germany has much to celebrate. Now united, this country has defined itself, both as a sovereign nation, and within the context of multinational institutions such as the European Union, NATO, and the United States. In addition, Germany has remained a strong ally of the United States.

As Germany celebrates the realization of freedom and democracy under one flag, let this Congress recognize and offer its congratulations on this milestone of achievement, the 10th Anniversary of German Reunification.

A TRIBUTE TO THE GERMAN SOCIETY OF PENNSYLVANIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, today I honor the German Society of Pennsylvania. Founded in 1764, it is the oldest German American organization in the new world. In celebration of its founding, the Society will hold its 236th Anniversary Ball and its annual German American Day festivities.

The first German immigrants came to the new world after being invited by William Penn to come to his colony. Ultimately, thirteen families settled in what became known as Germantown, one of Philadelphia's oldest sections of the city. These families left their homes in the Rhineland City of Krefeld and arrived in Philadelphia on October 6, 1683, a date celebrated by German Americans as the beginning of their history in the United States.

The flow of German immigrants continued and the poorest of them suffered many hardships and cruelty. As a result the Society was founded, for the express purpose of aiding these distressed immigrants. And, because of the Society's advocacy a series of measures to protect immigrants were enacted.

Today, the Society maintains its presence in the First Congressional District in its historic 1888 landmark building, which is on the national list of historic places. The Society also continues to steadfastly fulfill its mission to serve its members and those who share interests in German and German American culture, heritage and values through its presentations of educational lectures, cultural and arts programs, and seminars.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, last night I missed the first vote (#503) which authorized a Privacy Commission. I was unavoidably detained on a train from Philadelphia which was late in arriving. If present, I would have voted "nay" on the motion.

REVIEW BY CONGRESS OF PROPOSED CONSTRUCTION OF COURT FACILITIES—H.R. 5363

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide for the review by Congress of proposed construction of court facilities, H.R. 5363.

I am introducing this measure in response to my experience with a proposed Federal courthouse project for Orange County, New York.

In April of this year, the Judicial Council of the Second Circuit voted to rescind its prior 1992 approval for construction of a Federal courthouse in Orange County, New York.

This project began in 1991, when then Chief Judge of the U.S. District Court of the Southern District of New York the honorable Charles L. Brient, requested the board of judges to study future planning for court facilities west of the Hudson River. Subsequently, on June 1992, the board of judges of the southern district found that there was a need for a courthouse to meet the growing demands in the mid-Hudson Valley Region of New York, and voted unanimously to authorize the chief judge to apply to the Judicial Council of the Second Circuit for approval of a Federal District Courthouse west of the Hudson.

Following approval of the Judicial Council of the Second Circuit on July 28, 1992, the matter was referred to the court administration and case management committee of the judicial conference of the United States. The committee reported favorably and voted unanimously in a March 1993 session of the judicial conference of the United States to "seek legislation on the court's behalf to amend title 28 of the U.S. Code, section 112(b) to establish a place for holding court in the Middletown/Wallkill area of Orange County or such nearby location as may be deemed appropriate."

Accordingly, during the 104th Congress, Public Law 104–317 was approved designating that "court for the southern district shall be held at New York, White Plains, and in Middletown-Wallkill area of Orange County or such nearby location as may be appropriate."

In an attempt to proceed forward in an expeditious matter the administrative office of the courts and the U.S. General Services Administration, both concurring with the need for a courthouse in Orange County, determined that a facility could and should be constructed and paid through GSA's current funding.

This project had and still has clear evidence denoting the growth in population and economic activity in Dutchess, Orange, and Sullivan County in New York, as well as steady increases in caseload from the mid-Hudson Valley region. In fact, current statistics suggests that the need is even greater now than previously ascertained by Congress in 1996. The number of cases in 1999 that could have gone to an Orange County Courthouse, based on the location of the litigants or the attorney's residence, increased to 312, up from 290 in 1996. Moreover, the population for the region has increased to 671,767, up from 656,740 in 1996 and the total labor force has risen to 309,100 up from 301,800 in 1996.

Furthermore, it should be noted that while Congress may have acquiesced in the closure of some courthouses which have become redundant, based on considerations of economy and efficiency, I know of no situation where a court has refused to provide judicial services at a location designated by statute, where both the need exists and there is strong local support for the service. Such was and still is clearly the case with regard to the Orange County project.

Accordingly, while it is now current practice, as denoted by title 28 of the U.S. Code, for the U.S. Administrative Office of the Courts and the GSA to develop a rolling five year plan denoting the need for courthouse construction, I believe it is important for Congress to have a say in this important matter.

The legislation I introduced today will require the director of the Administrative Office of the United States Courts to submit for approval to the Congress a report setting forth the courts plans for proposed construction. Congress will have 30 legislative days to disapprove of the proposed construction.

It has become apparent to me after the experience I have had with both the Board of Judges of the southern district and the Judicial Council of the Second Circuit that an imperialistic attitude among many of our Federal judges prevail.

The decision as to whether or not to move forward with construction of a court facility is no longer based on existing evidence and data showing the need, but instead on the personal thoughts of the judges involved.

This legislation will end that practice. Accordingly, I urge my colleagues to support H.R. 5363.

H.R. 5363

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

SECTION 1. CONGRESSIONAL REVIEW OF NEW CONSTRUCTION FOR FEDERAL COURTS.

(a) IN GENERAL.—Section 462 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Facilities for holding court may not be constructed unless—

"(A) the Director of the Administrative Office of the United States Courts submits to

the Congress a report setting forth the plans for the proposed construction; and

''(B) 30 days have elapsed and the Congress has not, before the end of that 30-day period, enacted a provision of law stating in substance that the Congress disapproves the proposed construction.

''(2) For purposes of paragraph (1), construction of facilities includes the alteration, improvement, remodeling, reconstruction, or enlargement of any building for purposes of holding court.

''(3) The 30-day period referred to in paragraph (1) shall be computed by excluding—

''(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

''(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.''.

(b) CONFORMING AMENDMENTS.—Section 462 of title 28, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end the following: '', and subject to subsection (g)'';

(2) in subsection (c), by inserting before the period at the end the following: '', and subject to subsection (g)''; and

(3) in subsection (f), by inserting ''subject to subsection (g),'' after ''Director requests,''.

CHINA'S HUMAN RIGHTS VIOLATIONS DISQUALIFY BEIJING FROM HOSTING THE 2008 OLYMPIC GAMES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, last Thursday, I introduced House Resolution 601, a resolution expressing the sense of the House of Representatives that the Olympic Games in the year 2008 should NOT be held in Beijing in the People's Republic of China. Joining me as cosponsors of this resolution are a distinguished bipartisan group of our colleagues who are leaders in the area of human rights the Gentleman from California, Mr. COX; the gentleman from Virginia, Mr. WOLF; the gentleman from New Jersey, Mr. SMITH; the gentlewoman from California, Ms. PELOSI; the gentleman from Illinois, Mr. PORTER; and the gentleman from California, Mr. ROHRABACHER.

Mr. Speaker, Beijing is one of five cities currently under consideration by the International Olympic Committee (IOC) to host the games in the year 2008. Four other cities are also still in the running—Istanbul, Turkey; Osaka, Japan; Paris. France; and Toronto, Canada. The decision on the venue for the 2008 Games will be made by the IOC at its meeting in Moscow in July 2001. Since the decision will be made in only nine months, it is important that any expression of the views of the House of Representatives be made known quickly.

Mr. Speaker, the human rights record of the People's Republic of China is abominable and it is getting worse, not better. It is completely inconsistent with the Olympic ideal to hold the Games in Beijing. As our resolution spells out in greater detail, according to most recent State Department's Country Reports on Human Rights Practices, the government of China ''continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms.''

I reject the argument that holding the games in Beijing will encourage the Chinese government to clean up its act with regard to human rights. The Mayor of Beijing, in connection with the city's bid to host the games, already informed a rally in the city that in preparation for the Games, the government will ''resolutely smash and crack down on Falun Gong and other evil cults.'' If Beijing's bid is accepted, there will be more—not fewer—human rights violations.

Mr. Speaker, the venue of the Olympic Games has great significance. Hitler's Berlin Olympics of 1936 were nothing more than a propaganda exercise—an attempt to fool other countries into believing that Nazi Germany was a model world citizen. Holding the games in Beijing will convey a message that is inconsistent with the Olympic ideal.

Clearly the venue for the Olympic Games is a decision that will be made by the IOC, but clearly this is an issue on which the U.S. Congress can and should express its opinion. If we do not to express our views in the face of China's egregious human rights violations, we would be derelict in our responsibilities.

In 1993, as the IOC was considering the venue for the 2000 Olympic Games, Mr. Speaker, I introduced a resolution which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China. That resolution was approved by an overwhelming vote in the House of Representatives on July 26, 1993. A Short while later, the IOC voted to accept the bid of Sydney, Australia, as host to the 2000 games.

Mr. Speaker, it is imperative that we continue to call the attention of the world community to the serious violation of human rights by the government of the People's Republic of China. Holding the games in Beijing, if human rights violations continue unabated, would be so contrary to the spirit of the Olympics that the Beijing games would go down in history in much the same terms as Hitler's 1936 games. This is an issue on which this House should express its view.

Mr. Speaker, I submit the full text of House Resolution 601 to be printed in the RECORD. The text of the resolution spells out in greater detail the concerns we have regarding China's record on human rights and its inconsistency with the Olympic ideal.

HOUSE RESOLUTION 601

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 Peoples Republic of China.

Whereas the International Olympic Committee is now in the process of determining the venue of the Olympic Games in the year 2008 and is scheduled to make that decision at the IOC meeting scheduled for Moscow in July 2001;

Whereas the city of Beijing has made a proposal to the International Olympic Committee that the summer Olympic Games in the year 2008 be held in Beijing;

Whereas the Olympic Charter states that ''Olympism'' and the Olympic ideal seek to foster ''respect for universal fundamental ethical principles'';

Whereas the United Nations General Assembly in resolution 48/11 adopted on October 25, 1993, recognized ''that the Olympic goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practiced without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play;

Whereas United National General Assembly in resolution 50/13 of November 7, 1995, stressed ''the importance of the principles of the Olympic charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

Whereas the State Department's Country Reports on Human Rights Practices for 1999 reports that

(1) ''The [Chinese] Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms.''

(2) ''Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process.''

(3) ''The Government infringed on citizens' privacy rights.''

(4) ''The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased.''

(5) ''The Government severely restricted freedom of assembly and continued to restrict freedom of association.''

(6) ''The Government continued to restrict freedom of religion and intensified controls on some unregistered churches.''

(7) ''The Government continued to restrict freedom of movement.''

(8)The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions.''

(9) ''Violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems.''

(10) ''The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists.''

(11) ''Particularly serious human rights abuses persisted in some minority area, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.'';

Whereas, according to press reports, Liu Qi, the Mayor of Beijing, told a rally called to promote Beijing's bid to host the Olympic Games that the government would ''resolutely smash and crack down on Falun Gong and other evil cults'' in preparation for hosting the games;

Whereas, the egregious human rights abuses committed by the Government of

China are inconsistent with the Olympic ideal; and

Whereas on July 26, 1993, the House of Representatives adopted House Resolution 188 in the 103rd Congress which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China;

Now, therefore, be it Resolved that the House of Representatives

(1) welcomes the participation of Chinese athletes in the Olympic Games, notes the outstanding competitive effort of Chinese athletes in the games in Sydney, Australia, where Chinese athletes placed third in the number of medals earned, and in Atlanta, Georgia, and Barcelona, Spain, where Chinese athletes also placed third in the number of medals earned, and wholeheartedly welcomes the support of the Chinese people for the Olympic Games;

(2) acknowledges that the Chinese people and thousands of Chinese Olympic athletes have shown their strong support for the Olympic spirit through their commitment to excellence, energy, skill, sportsmanship, and good will towards their fellow athletes;

(3) expresses the sense of the House of Representatives that the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China because the deplorable human rights record of the People's Republic of China violates international human rights standards which that Government has pledged to uphold and its actions are inconsistent with the Olympic ideal;

(4) expresses the view that the House looks forward to the day when the House can support a proposal of the People's Republic of China to host the Olympic Games at a time when the Chinese people openly enjoy the tolerance and freedoms espoused by the high ideals of the Olympic tradition; and

(5) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Chairman of the International Olympic Committee and to the United States representative to the International Olympic Committee with the request that it be circulated to all members of the committee.

RECOGNITION OF CARLEY ZELL AS GEORGIA'S OLDER WORKER OF THE YEAR

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Carley Zell as the recipient of this year's Georgia's Older Worker of the Year award. Mr. Zell was given the award during the Georgia Older Worker Conference and 12th Annual Awards Luncheon. The award was presented to Mr. Zell by the Georgia Labor Commissioner Michael Thurmond. Mr. Zell has lived in three centuries and has yet to retire. He has continued to work and contribute to his family and community. Let me take a moment to applaud Mr. Zell's dedication and contributions.

Mr. Zell owns Zell Enterprises which he founded in 1958. His company includes rental properties that are located in Brunswick and the Jacksonville Warehouse Co. Mr. Zell started his first job at age 12 delivering newspapers for the Brunswick News. The year after he graduated from Glynn Academy, he served as an apprentice seaman in the U.S. Navy. During his time in the Navy, he managed a shipyard cafeteria that served 30,000 workers daily, as they built ships at the Brunswick shipyards during World War II.

Please join me again in applauding Mr. Zell. He represents what is best in America—he is a self-learner, and through hard work and persistence has reached the true meaning of success. Let us all take direction from him and strive to obtain his love for work. He has continually given to his community and never asked for anything back in return. Our society today needs more people like him to inspire and continually give relentlessly.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Con. Res. 390. This Member would first like to express his sincere appreciation to the distinguished gentleman from Colorado [Mr. SCHAFFER] for introducing this resolution on September 6, 2000 and for working with this Member and staff on a limited number of modifications to the resolution as introduced. In addition, this Member would also like to thank the distinguished Ranking Member of the Subcommittee on Asia and the Pacific [Mr. LANTOS], the distinguished Chairman of the Committee on International Relations [Mr. GILMAN] and the Committee's distinguished Ranking Member [Mr. GEJDENSON], for supporting this resolution and moving it expeditiously forward to the House Floor for consideration.

House Concurrent Resolution 390 expresses this body's strong support for Taiwan's participation in the United Nations and other international organizations, including the World Health Organization (WHO). The resolution correctly notes that the 23 million people on Taiwan have much to contribute—both substantively and financially—to the work of international organizations. Clearly, the people on Taiwan should also benefit from the work of the international organizations as do all members of the world community.

In addition, H. Con. Res. 390 recognizes Taiwan's dramatic transformation into a multiparty democracy with a civil society which fully respects human rights and civil liberties. The resolution notes the most recent illustration of Taiwan's democratic development—the March 18, 2000, election of Mr. Chen Shui-bian as president and the peaceful transfer of power on Taiwan from one political party to another on May 20th with the inauguration of Mr. Chen.

Certainly, Taiwan's economic achievements in the last 50 years also give Taiwan a special role in assisting developing economies and contributing to international organizations focused on economic, trade and development matters. Taiwan is the world's 13th largest economy with over $235 billion in two-way trade. Indeed, Taiwan already is an active and constructive member of the Asia Development Bank and APEC and has been an observer at the World Trade Organization since 1992.

This year, on May 24, 2000, this body clearly and unequivocally spoke in favor of Taiwan's accession to the WTO as a full member by passing H.R. 4444. Given recent statements by representatives of the People's Republic of China, this Member wishes to reaffirm that legislation's commitment that the United States should be prepared to aggressively counter any attempt to delay, set conditions on, or block Taiwan's accession to the WTO. Our strong support for Taiwan's accession to the WTO is clear.

The resolution also calls on the Clinton Administration to uphold the commitment made in its 1994 Taiwan Policy Review to more actively support Taiwan's participation in appropriate international organizations.

Mr. Speaker, in closing, this Member notes that this body has repeatedly passed measures that call for greater participation by Taiwan in international organizations, in particular supporting Taiwan's participation in the United Nations, the World Health Organization, and the World Trade Organization, among others. As Chairman of the Asia and Pacific Subcommittee, this Member believes it is worthwhile for this body to reaffirm its support and commitment to Taiwan's participation in these important international organizations. Therefore, this Member strongly supports the passage of H. Con. Res. 390.

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

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this conference report—and I will do so as a strong supporter of the Conservation and Reinvestment Act, or "CARA."

I understand that other supporters of CARA may disagree. They are concerned that passage of this bill will mean that CARA is dead.

But I do not think that is the case. Certainly I will continue working for CARA's enactment this year—and, if that does not occur, and if I am reelected, I will resume the effort next year.

But in the meantime, by passing this conference report we will take an important step toward one of CARA's key goals—that is, toward fulfilling the promise of one of the wisest and most far-sighted conservation measures ever—the Land and Water Conservation Fund Act.

The promise of that Act was that as the federal government sold non-renewable resources, particularly the oil and gas from the

outer continental shelf, it would invest a major part of the proceeds in conserving our lands and waters and in helping our local communities to make similar investments.

Unfortunately, because of the budget problems of the past, for too long the Congress fell short of fulfilling that promise. But now the budget situation is different and we have a chance to make up for some of the shortfalls of the past and in fact to expand the benefits for our country.

By passing this bill, we can help our communities respond to the problems of growth and sprawl and to provide much-needed places for sports and outdoor recreation. We can help preserve our open spaces by acquiring inholdings in our parks and forests from people who want to sell. We can help protest threatened and endangered species, and the fish and wildlife resources that are so important to Colorado and the rest of the nation.

By greatly increasing the resources of the Historic preservation Fund we can help preserve the irreplaceable historic legacy of Colorado and our nation—saving historic landmarks, attracting private investment, and helping bring economic vitality to historic sites in Gilpin, Clear Creek, Adams, and Jefferson Counties and to neighborhoods in Boulder, Arvada, and countless other communities in Colorado and across the continent.

And by bolstering the PILT program, we can help the counties and other local governments in areas where the federal government is a major landowner—and we can do it the right way, by providing funds that aren't tied to timber sales or other uses of the federal lands and so without making the local communities hostages to the debates over timber harvests or other extractive uses.

Mr. Speaker, of course this is not a perfect bill—but, all too often we are reminded that there is no perfect legislation.

But, when you consider all that this conference report would do for our country I am convinced that we should approve it today—and, after that, keep on working for the further improvements that will come from enactment of CARA.

H. CON. RES. 64, CERVICAL CANCER PUBLIC AWARENESS RESOLUTION

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RILEY. Mr. Speaker, I want to commend my colleagues in the House for their support of H. Con. Res. 64, the Cervical Cancer Public Awareness Resolution. I am proud to have supported this legislation as a cosponsor.

This resolution recognizes the severity of the issue of cervical cancer. In order to defeat cervical cancer this country must open its eyes to the disease's catastrophic effects. This legislation seeks to accomplish that objective. It calls on the United States as a whole to support individuals who have been afflicted with cervical cancer, as well as their loved ones. This resolution not only makes Americans aware of this horrible disease, it also urges them to take the opportunity to learn about cervical cancer and take advantage of the improved early detection methods now available. Additionally, this legislation articulates Congress's recognition of the importance of federally funded programs that provide cervical cancer screenings and follow-up services to medically under served individuals. It is vitally important that each and every woman in America have access to these early detection screenings.

Cervical cancer annually strikes an estimated 15,000 women in the United States. It is estimated that during this decade more than 150,000 women will be diagnosed with cervical cancer in the United States. Even more startling is that during an average woman's lifetime cervical cancer strikes one out of every 50 American women. Studies show that although cervical cancer is a preventable disease in a majority of cases it is still one of the leading causes of death among women worldwide. Although these statistics appear dismal, I am optimistic that through awareness and research we can eventually prevent this disease from taking any more lives. Even today, cervical cancer can be successfully treated and even prevented in many cases. The key to prevention is through early detection. Unfortunately, many women are not aware of the dangers or even the existence of cervical cancer, therefore they do not take the proper precautions through early detection screenings.

It is my sincere hope that this legislation will promote widespread awareness throughout the United States. This bill will bring awareness to this very serious disease, and educate all individuals, not only women, on the availability of early detection methods. I believe that through awareness and education we can save thousands of lives, and actually prevent cervical cancer in thousands of other lives. Again, I am proud to have supported the Cervical Cancer Public Awareness Resolution.

IN HONOR OF TOM TOSH OF COMO, TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. FROST. Mr. Speaker, today, I wish to honor Tom Tosh of Como, Texas. Tom was recently recognized as Texas' Outstanding Older Worker by Green Thumb, America's oldest non-profit provider of senior employment and training. At age sixty-seven, when most people have retired, or are at least considering retirement, Tom went back to work at Custom Shutters Inc. It has now been sixteen years, and Tom Tosh, at age eighty-two, continues to work 40-hour weeks in his position as a speciality craftsman.

Tom truly exemplifies the positive work ethic, experience, loyalty and dependability so important to our society today. According to his personnel manager, Tom is an inspiration because of his untiring dedication to his craft and his company. He is creative, patient, wise, kind, and honest. His knowledge and work ethnic motivates workers less than half his age, who, at this rate, will probably end up retiring before he does!

Tom is a navy veteran; he served our country in World War II. In addition to working full-time, Tom volunteers for the American Cancer Society, is a member of his local Veterans of Foreign Wars, swims, sails, and makes jewelry, All this, and he still finds time to dedicate to his wife of 61 years and two children. He is a shinning example of America at any age, and truly exemplifies that ability is ageless.

I am proud of work that Green Thumb and other organizations do to strengthen our families, communities, and the Nation. The opportunities, and wisdom that older workers such as Tom Tosh can provide for us are immeasurable. I salute him today.

CONTRIBUTION OF THE CALIFORNIA NATIONAL GUARD TO FIGHTING ILLEGAL DRUGS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, I rise today to commend the California National Guard for its vital contribution in helping to reduce drug use among our youth. Throughout the United States the National Guard frequently assists local law enforcement agencies in their fight against illicit drugs, and often Guard members risk their lives to provide necessary support for local law enforcement agencies.

Mr. Speaker, the California National Guard performs a variety of tasks and missions in support of local law enforcement agencies. One program in particular that I wish to call to the attention of my colleagues is the Guard's educational efforts as part of ''Red Ribbon Week,'' a nationwide effort to focus on drug awareness and education during the last of October. Since 1988, the California National Guard has been an active participant in Red Ribbon Week. This highly successful program was started initially to commemorate the life of Drug Enforcement Agency officer Enrique (''Kiki'') Camerena, an undercover narcotics agents who was brutally murdered by illegal drug traffickers. To mark his death and honor his life, the week of October 23–31 has been designated Red Ribbon Week. Across the nation, federal and local law enforcement agencies spend the week participating in a variety of programs to educate children about the perils of drug use.

The California National Guard has been such an active participant in Red Ribbon Week and its efforts have generated such interest in the program that the Guard has expanded Red Ribbon Week into Red Ribbon Month in order to respond to the numerous requests for education programs. The California Guard uses the power of positive role models to encourage choosing a drug-free lifestyle. I can only imagine the incredibly positive affect that a helicopter pilot has on young childred after they witness the landing of his or her helicopter on the school grounds. Other positive Guard efforts include chaperoning education retreats and speaking at schools.

Mr. Speaker, the California National Guard's involvement in Red Ribbon Month is only one

aspect of its participation in the battle against illicit drug use. The National Guard participates in the two pronged attack to reduce drug use in our country—simultaneously attacking supply and demand. The Drug Demand Reduction Program (DDR) focuses on education and information about the effects of narcotic use so that individuals will be less likely to turn to drugs. The Guard implements this program through its education work with school children. Already in this year alone, members of the California National Guard have spoken to 123,550 people, 82% of them school-age children and 74% of them in the 8th grade or below. This is particularly important, Mr. Speaker, because studies have shown that the earlier you teach children the dangers of drug use, the greater the chance that the child will embrace that message.

The second element of the California Guard's anti-drug program involves removing the supply of drugs from our streets. To this end, the Guard provides support and assistance to local law enforcement agencies in getting the drugs off of the streets. From flight surveillance to assisting local police officers in raids of methamphetamine plants, the California Guard has been involved in numerous seizures of illegal narcotics. This past year alone, in actions supported by the California Guard, law enforcement officials have seized over 8,100 lbs. of cocaine, 750 lbs. of heroin, 1,800 lbs. of methamphetamine, 360 lbs. of opium, 414,677 marijuana plants and 261 lbs. of processed marijuana.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the vital efforts of the California National Guard in reducing illicit drugs on our streets and educating of our youth about the perils of drug use. Thanks to their diligent efforts, our state and our nation are a better place.

RECOGNIZING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I send my best wishes and congratulations to Republic of China President Chen Shui-bian and his people on the occasion of their 89th National Day. In recent years, Taiwan has prospered. It has one of the strongest economies in the world and its people enjoy unprecedented prosperity. Taiwan has solid schools, a good transportation system and sound health care. Furthermore, the people of Taiwan enjoy many political freedoms such as direct elections, a free press, and human rights.

I commend Taiwan on their 89th National Day. Their people have every right to be proud on this momentous occasion.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. REYES. Mr. Speaker, I am proud to be the sponsor of the House bill of S. 366, El Camino Real de Tierra Adentro National Historic Trail Act.

This trail has a great deal of importance to the Southwest. El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821). The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles. El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland. American Indian groups dating back into prehistoric times, especially the Pueblo Indians of the Rio Grande river valley, use the area and trail along the Rio Grande long before Europeans arrived.

In 1598, Don Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real, and during the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States.

This trail is important to the history of the borderlands as it was central to the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Southwest. Many people used the trail including American Indians, European emigrants, miners, ranchers, soldiers, and missionaries. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans. El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law. This trail is important to the cultural history and rich heritage of the Southwest.

S. 366 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. This noncontroversial legislation prohibits the acquisition of any lands or interests outside the exterior boundaries of any federally administered area for El Camino Real de Tierra Adentro except with the consent of the owner. The bill has already passed in the House in a similar form. I am pleased that this bill, which is identical to the House bill which I originally introduced, has again made it to the floor.

I would like to thank Chairman YOUNG and Ranking Member MILLER. I would also like to thank Congressman HANSEN and my colleague Mr. SKEEN for allowing this clean bill to come to the House floor. I know that the designation of the Camino Real de Tierra Adentro, as a part of the National Historic Trails System, will benefit a great many people.

I hope my colleagues will support me in the passage of this legislation.

S. 1198: THE TRUTH IN REGULATING ACT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. McINTOSH. Mr. Speaker, I applaud the House's passage yesterday of S. 1198, the Truth in Regulating Act of 2000. This bipartisan, good government bill establishes within the Legislative Branch a much needed regulatory analysis function. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts.

I want to especially thank Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction SUE KELLY for her initiation of this concept and her tenacious determination over a several year period to reach yesterday's successful result. Since 1998, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, which I chair, held two hearings and issued two House Reports (H. Rept. 105–441, Part 2 and H. Rept. 106–772) in support of a Congressional office of regulatory analysis.

Yesterday, during the floor debate on S. 1198, Vice Chairman PAUL RYAN expressed Congressional intent for this bill and presented the multi-year House legislative history. I want to emphasize three points which Mr. RYAN made. Also, I want to express my differing view about two statements made by Subcommittee Ranking Member DENNIS KUCINICH.

First, I agree with Mr. RYAN about the importance of the General Accounting Office's (GAO's) submitting timely comments on proposed rules during the public comment period, while there is still an opportunity to influence the cost, scope and content of an agency's regulatory proposal. S. 1198 does not require GAO to submit timely comments but neither does it preclude GAO for doing so. Second, I agree with Mr. RYAN about GAO's responsibility to examine non-agency (i.e., "public") data and analyses in preparing its 'independent evaluation' of an agency's regulatory proposal. Sometimes the best way to determine if an agency has ignored Congressional intent or failed to consider less costly or nonregulatory alternatives is to review non-agency analyses. S. 1198 does not require GAO to review public data but neither does it preclude GAO from doing so. Third, I agree with Mr. RYAN that GAO should comment substantively on an agency's regulatory proposal. S. 1198 does not require GAO to comment on the scope and content of an agency's regulatory proposal but neither does it preclude GAO from doing so.

Mr. KUCINICH stated his view that, ''Under this bill, GAO would retain its traditional role as auditor . . . [the bill] preserves GAO's traditional role as auditor.'' I do not agree with his view. Instead, S. 1198 requires GAO to prepare an independent evaluation or analysis of agency regulatory proposals. Evaluation is not equivalent to auditing; evaluation requires a thorough analysis, e.g., consideration of less costly or non-regulatory alternatives not presented in an agency's documents. Second, Mr. KUCINICH stated, 'Furthermore, [the bill] would not require the agency to conduct any new analysis.' GAO's independent evaluation should lead agencies to prepare missing cost/benefit, small business impact, federalism impact, or any other missing analysis. S. 1198 does not require an agency to prepare a missing analysis but neither does it preclude an agency from doing so.

A TRIBUTE TO LIBBIE HICKMAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize a dedicated Olympian from my district who is an inspiration to all athletes. Libbie Hickman, a resident of Fort Collins, Colorado, recently earned the proud distinction of representing our great nation at the 27th Olympic Summer Games in Sydney, Australia. Libbie was the fastest American runner in the qualifying race held Wednesday, September 27th, recording a time of thirty-two minutes and fifty-nine seconds. This qualifying time enabled Ms. Hickman to race in last Saturday's finals where she valiantly represented our nation in its quest for gold.

A graduate of Colorado State University, Libbie Hickman has always dreamed of achieving Olympic glory. She first started running at the age of eight, racing against her brothers in the front yard as her father timed them with his stopwatch. Libbie became serious about her running career during her senior year of college, changing her specialty from the 1,500 meter race to the 3,000 meter race. However, it wasn't until four years later, in 1991, that Libbie Hickman truly made her mark by winning the Association of Road Running Athletes (ARRA) circuit title. Since then, Libbie has placed in the top ten of the finishers in twenty-one of the races in which she has participated. In 14 of those races, she finished in the top 5, and in 5 of them, she won the event.

In her spare time, Libbie Hickman is a self-described ''gardening freak'' who thinks she might have been a professional gardener if her passion for running were not so strong. Passion for her sport has driven her to work hard in pursuit of her Olympic dream. This passion was on display Wednesday as she led the American team to a qualifying spot in the 10,000 meter finals. Libbie finished 10th in her heat, and 20th overall. She was the only American woman who qualified to go to the finals on Saturday. While Libbie did not win the race, she won our hearts and proved herself a fierce and respected competitor, and an inspiration to the people of Colorado, and the entire nation.

It is with great pride that I stand today to congratulate one of Colorado's genuine Olympic heroes. Libbie Hickman is a true American heroine. She has displayed courage and perseverance in the tireless pursuit of excellence. She has competed on the world's biggest track and given her all to fulfill her Olympic dream. She has made us proud.

VETERANS' ORAL HISTORY PROJECT ACT

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HAYES. Mr. Speaker, I rise in support of the legislation offered by the gentleman from Wisconsin, the Veterans' Oral History Project, because it encompasses American pride and patriotism. Our veterans are the heroes who helped preserve our American heritage. They are living evidence that freedom is never free, and they carry the honor of hundreds of thousands who breathed their last breath on the field of battle.

Some months ago, I introduced legislation to recognize the American G.I. as the most influential figure of the 20th century. I was proud that my legislation passed this House unanimously, and I believe the legislation we debate this evening is critical to our effort to recognize and preserve a record of the sacrifices of every man and woman who served our Nation. The importance of documenting the personal accounts of our country's veterans cannot be understated. For generations, American troops have served to ensure freedom and democracy in all corners of the world. Their contributions are woven not only into the history of a grateful nation but also the history of a peaceful world.

Over the course of the last few months, I have asked veterans throughout my district, the 8th District of North Carolina, to share with me their wartime experiences. Their response has been amazing. Every American should have the opportunity to read the brave accounts of veterans like James Holt, James Wells, and Willie Monday—to name just a few. Crew Chief Holt recounts his WWII missions and America's contribution in defeating Hitler. Similarly, Mrs. Shuping writes on behalf of her father, James Archie Wells, who fought to liberate Okinawa, and Captain Monday recalls his reconnaissance missions over the Philippines. This, Mr. Speaker, is the best of American history—and there is an abundance of it. That's why this legislation is so very important. The memory of those we lost and the sacrifice of those who lived to tell the tale must be preserved and held in high esteem by a Congress and a country that extends our veterans its utmost respect and heartfelt gratitude.

I commend my colleague from Wisconsin for his initiative on this issue and urge my colleagues support for this worthy legislation.

IN HONOR OF ABBOT ROGER W. GRIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Abbot Roger W. Gries who has been named ''Catholic Man of the Year'' by the Greater Cleveland Knights of Columbus Luncheon Club.

This is certainly a well-deserved title for Abbot Gries, a native Clevelander who has devoted most of his life to education, his faith and the Catholic Church. He professed his vows as a Benedictine monk more than 40 years ago and was ordained to the priesthood in 1963. Throughout his many years of dedicated service to Benedictine High School, Abbot Gries has held a number of different posts. He started out teaching mathematics, but his extraordinary skill as an educator was soon recognized as he was named Assistant Principal in 1965 and Principal in 1968.

Abbot Gries continued his successful reign as Principal at Benedictine until 1977, when he was appointed Prior of St. Andrew Abbey, the second superior of the monastery. Because of his outstanding work as Prior, his fellow monks elected him the fourth abbot of St. Andrew Abbey on June 9, 1981, a position that he holds to this day. In addition to his commitment to St. Andrew Abbey, Abbot Gries is also President of Benedictine High School. At this time, he is overseeing the implementation of the Master Plan currently underway at the Abbey and high school in the Buckeye-Woodland community.

Aside from his prominent role as an educator and abbot of St. Andrew Abbey, Abbot Gries also served at the Holy Family Parish in Parma, OH on weekends for 18 years and previously acted as the chaplain of the Maple Heights Knights of Columbus. He continues his active association with the Alhambra.

Mr. Speaker, I ask my fellow colleagues to join me in honoring Abbot Roger W. Gries. This remarkable man reminds us all of the importance of faith, community, and volunteerism. We are truly lucky to have him in Cleveland.

TRIBUTE TO PRISCILLA HILLGREN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Priscilla A. Hillgren in the Congress for her invaluable contributions and service to our nation.

Priscilla Hillgren distinguished herself through her devotion to her family, friends, and community. She was born in Beresford, South Dakota on June 26th, 1904, the daughter of a Lutheran minister. Her family instilled in her the value of an education, and she and her sisters attended college, which she interrupted twice to teach in a country school.

One of the happiest days of her life surely must have been June 26th, 1929, when she married Ralph O. Hillgren, who was city editor of the Argus Leader in Sioux Falls, South Dakota. Many more happy days followed, thanks to the births of her son John, her daughters Annette Bray and Sonja Hillgren Hill, two grandchildren, five great-grandchildren, three step grandchildren, and three step great-grandchildren.

Priscilla Hillgren is probably best-known for her work with mentally handicapped children at three Sioux Falls private schools from 1958 to 1972. Her generosity and hard work touched many families in that area, and her legacy will inspire those who continue to provide these important services.

She also was active in the American Association of University Women, with membership in two AAUW book groups, and was honored by AAUW as a Named Gift Recipient in 1977. Moreover, Priscilla was president of the Augustana College Auxiliary, and a member of the Civic Fine Arts Center and the American Legion Auxiliary, among other organizations.

Sadly, Priscilla Hillgren passed away last month. Her congregation at the First Lutheran Church, where she was a Sunday School teacher for 26 years, will miss her greatly, as will her family and friends.

I am among this group, and on behalf of the Congress I extend my deepest sympathies to her family, even as I encourage them to join me in celebrating her extraordinary life.

INTRODUCTION OF THE ALTERNATIVE FUEL VEHICLES INTERMODAL TRANSPORTATION ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. BOEHLERT. Mr. Speaker, transportation is vital to the social and economic health of our nation. During the past twenty years, however, transportation systems have struggled to keep pace with America's growing and changing needs. For example, between 1970 and 1990, the U.S. automobile population grew almost three times faster than the human population. In fact, in 1995 Americans averaged about 4.3 one-way trips per day and about 14,000 miles per year—up from 2.9 trips and 9,500 miles in 1977. Other forms of transportation have seen dramatic growth as well. Since 1980, freight railroad traffic has increased 47 percent and the number of airports has increased 20 percent.

Explosive transportation growth has led to inefficient movement of people and goods, reduced productivity, wasted energy, and increased congestion and emissions. A recent study conducted by the Texas Transportation Institute found that in 1982, ten of the 70 urban areas studied had unacceptable levels of congestion, but by 1996, that number had almost quadrupled, to 39 areas.

As the number of cars, trucks, freight trains and planes grows and America's transportation network expands, the need for fuel increases. In 1997, the volume of imported oil exceeded domestic production for the first time in U.S. history. Our thirst for oil is fueled by the transportation sector, which uses over 65 percent of the petroleum consumed in the United States.

Our transportation system is over 90 percent dependent on oil—and that's too much when over 50 percent our nation's oil comes from overseas and the price has almost quadrupled in 18 months. Powering our cars and buses with alternative fuel is an environmentally sound way to reduce our dependence on foreign oil—and it's good for the economy, too, because alternative fuels can be produced here at home.

Alternative fuels, such as electricity, natural gas, methanol, hydrogen and propane, provide a plentiful, domestically produced and environmentally friendly source of energy. And, when integrated into America's transportation network—in meaningful quantities—alternatively fueled vehicles (AFVs) contribute to mitigating the energy and environmental problems caused by the transportation sector.

In addition, to alternative fuels, the implementation of intermodal transportation networks is another component to alleviating America's transportation problems. Intermodalism refers to interconnections among various modes of transportation, or the use of multiple modes of transportation during a single trip. Employing the concept of intermodalism offers the promise of lowering transportation costs, increasing economic productivity and efficiency, reducing the burden on existing infrastructure, while at the same time reducing energy consumption and improving air quality and the environment.

In an attempt to address the energy and environmental concerns that an "over-stressed" transportation network has created, Congress passed several pieces of legislation. The Clean Air Act Amendments of 1990, established programs and regulations directed at the mobile sector to decrease major automotive pollutants that are the key contributors to urban smog, or ozone. Today, however, nearly 100 cities throughout the United States continue to fail to meet federal air quality guidelines.

In 1991, Congress also recognized the impact and sought to mitigate some of the problems associated with the growing number of cars, trucks, freight trains and planes in the United States when it enacted the Intermodal Surface Transportation Efficiency Act (ISTEA). ISTEA established the National Commission on Intermodal Transportation and tasked it with conducting a complete study of intermodal transportation in the US. ISTEA also established the Congestion Mitigation and Air Quality Improvement (CMAC) Program which provides federal funding for innovative transportation projects designed to assist States in meeting their transportation/air quality plans. The CMAC program, cuts across traditional areas, such as vehicle emission inspections and maintenance. Although inroads have been made, and intermodal transportation systems have been applied in the movement of goods, large-scale intermodal systems have yet to be meaningful applied to the movement of peple.

Finally, in 1992, Congress enacted the Energy Policy Act (EPAct) which recognized that alternative fuels and alternative fuel vehicles (AFVs) can provide substantial environmental benefits and at the same time can decrease our dependence on foreign oil. EPAct included a modest set of tax incentives intended to support the development and introduction of AFVs to the market.

Today I am introducing legislation that builds on the very important work that has been done as a result of these landmark bills that have focused our efforts on dealing with transportation, congestion, air quality and energy security issues holistically, rather than as separate non-connected issues. I believe, firmly, that we must look to address many of the problems created by a growing transportation system and the need to ensure and indeed enhance mobility as a single issue, a single goal. The "Alternative Fuel Vehicles Intermodal Transportation Act" provides funding for a $200 million federal pilot program to demonstrate the use of alternative fuel vehicles in intermodal applications. Importantly, the goals of the program will be accomplished through partnerships between Federal, State and local governments, metropolitan transportation authorities, industry and business. This legislation would help urban centers develop and demonstrate effective, alternative fuel transportation networks to move people.

By combining intermodal transportation systems with alternative fuels, the United States can build transportation networks that efficiently and cleanly transport passengers and goods.

In the long run, alternative fuel vehicles will obviously have to succeed in the marketplace entirely on their own. But the federal government should be doing more to encourage the development and deployment of alternative vehicles because there are clear public benefits and the technology will develop too slowly without incentives. In addition, public entities are the main purchasers of buses so the government is the market in that area.

What will this legislation achieve? The proposed pilot program would assist up to 15 locations throughout the United States to put in place clean, innovative, linked transportation systems that reduce dependence on foreign oil, increase reliance on alternative fuels, enhance the usefulness of public transportation systems, protect the environment, and speed the deployment of alternative fuel technologies. Participants in the program would be required to match federal dollars with an equal contribution from State and local governments and the private sector. Projects would be awarded to applicants that meet criteria including: the number of riders served or goods transported; the ability to achieve national, state or local air quality goals; and the deployment of innovative transportation technologies or new intermodal systems that increase the use of alternative fuels.

How could this legislation impact your community? Imagine a linked transportation system where commuters use electric station cars or "neighborhood electric vehicles" to reach an electrified commuter train or a natural gas powered bus, which would then deliver them to the urban center. And once in the urban center, the same people might transfer to a propane-powered shuttle bus or fuel cell bus for the last leg of their trip to the office, the shopping district or the doctor.

Another travel scenario that releases near zero-emissions while improving the quality of a

trip might involve the business traveler who arrives in a city by plane, transfers to a light rail system that deposits her in the urban center where she checks-out an electric ''station car'' to travel to meetings in three different locations. Upon concluding business, she returns to the light-rail station, plugs in the rented station car for the next driver, hops on the light rail and returns to the airport. This business traveler has left no environmental footprint during her visit to your community.

Enhance the environment—relieve traffic congestion—increase alternative fuel use—effectively demonstrate viable and sustainable alternative fuel vehicles and their interconnected use in transportation networks—bring together all levels of government and industry as partners in this effort—and educate the public that alternative fuel technologies work . . . these are the goals of the Alternative Fuel Vehicles Intermodal Transportation Act. The price tag for reaching these goals is relatively modest; the price for not supporting this type of paradigm shift in the way we move people and goods is incalculable. And it is a price that will be paid not just with dollars, but with our natural resources, our air, and the quality of life for generations to come. I hope many of my colleagues will recognize the value and importance of this innovative program and will support this important legislation.

PRESCRIPTION DRUGS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. CRANE. Mr. Speaker, as the Congress continues to debate the question on how to provide seniors with affordable prescription drugs, I wanted to bring to my colleagues attention the article ''Prescription Drug Costs: Has Canada Found the Answer?'' by William McArthur, M.D. Dr. McArthur is a palliative care physician, writer and health policy analyst in Vancouver B.C. Some of our colleagues have been touting the affordability of prescription drugs in Canada and in some cases sponsoring bus trips for seniors across the border to obtain these drugs. We should be skeptical of this approach because, in reality, the Canadian government drug mandates harm patients and increase the costs in other sectors of the health care system.

The Canadian bureaucracies cause significant delays in access to new and innovative drugs. First, at the federal level, Canadians wait up to a year longer than Americans do for approval of new drugs. Then the delays continue at the provincial level where various government ''gatekeepers'' review the ''therapeutic value'' of prescription drugs before they are included in the formulary. The length of the delays varies widely. The government officials in Nova Scotia approve drugs for its formulary in 250 days, while the wait in Ontario is nearly 500 days.

Canadian patients are often forced to use the medicines selected by the government solely for cost reasons. Patients who would respond better to the second, third, or fourth drug developed for a specific condition are often denied the preferred drug, and are stuck with the government-approved ''one size fits all'' drug.

I urge my Colleagues to read this article and keep in mind that while prescription drugs appear to cost less in Canada than in the United States, there is a costly price associated with the Canadian system that ultimately translates into a lack of quality care for patients.

[From the National Journal's Congress Daily, Oct. 2, 2000]

PRESCRIPTION DRUG COSTS: HAS CANADA FOUND THE ANSWER?

(By William McArthur, M.D.)

Some Americans faced with the rising costs of prescription drugs look longingly at Canada, where prescription drugs appear to cost less than in the United States. The fact is that, while some drugs do cost less in Canada, others don't. Furthermore, many drugs are not available at any cost in Canada. The effect of Canadian policies is to restrict the overall availability of prescription drugs through a combination of a lengthy drug approval process and oppressive price controls.

First of all, Canada's federal drug approval process takes much longer than that of the U.S., resulting in delayed access for Canadians to new drugs. For example, Canadian acceptance of the drug Viagra came a whole year after it had been available in the U.S. For 12 months Canadians who needed Viagra, or another of the many drugs delayed or denied approval, had to go to the U.S. to get their medication.

Even if a drug wins federal approval, it faces 10 more hurdles to become widely accessible—the 10 provinces. Each province has a review committee that must approve the drug for reimbursement under the public healthcare system. For example, in British Columbia, neither the new anti-arthritic drugs Celebrex and Vioxx, nor the Alzheimer's treatment Aricept, have been approved for reimbursement, severely limiting their availability. Further, the provincial approval times vary greatly from province to province, creating further inequities.

Price controls imposed by a government agency, the Patented Medicines Price Review Board (PMPRB), are the reason some prescription drugs cost less in Canada than in the United States. However, while keeping some prescription drug prices down through price controls, Canada has been unable to control overall drug spending. OECD statistics reveal that when the PMPRB was created in 1988, per capita expenditure on prescription drugs was $106; by 1996 that had doubled to $211 per person. One study of international drug price comparisons by Prof. Patricia Danzon of the Wharton School of the University of Pennsylvania concluded that, on the average, drug prices in Canada were higher than those in the United States. Some individual drugs, particularly generics, cost far more in Canada. For example, the anti-hypertensive drug atenolol is four times more expensive in Canada than in the United States. And a University of Toronto study found that the main effect of price controls on prescription drugs was to limit patients' access to newer medicines so that they had to rely more on hospitals and surgery.

All provinces require that chemically identical and cheaper generic drugs be substituted for more expensive brand-name drugs when they are available. However, British Columbia has gone farther with a ''reference price system.'' Under this system, the government can require that a patient receiving a drug subsidy be treated with whichever costs the least: (a) a generic substitute, (b) a drug with similar but not identical active ingredients or (c) a completely different compound deemed to have the same therapeutic effect. Patients are often forced to switch medicines, sometimes in mid-treatment, when the reference price system mandates a change. Twenty-seven percent of physicians in British Columbia report that they have had to admit patients to the emergency room or hospital as a result of the mandated switching of medicines. Sixty-eight percent report confusion or uncertainty by cardiovascular or hypertension patients, and 60 percent have seen patients' conditions worsen or their symptoms accelerate due to mandated switching.

Through limiting the availability of prescription drugs and controlling the prices of those that are available, Canada has succeeded only in preventing Canadians from obtaining drugs that might have reduced hospital stays and expensive medical procedures. The end result of this is that Canadians are getting a lower standard of health care at a higher cost than patients and taxpayers have a right to expect.

One lesson that Americans should learn from the Canadian experience is that when government pays for drugs, government controls the supply. As soon as government has to pay the bill, efforts are made to restrict the availability of newer and more effective drugs. The inevitable result is that other health expenditures like surgery and emergency visits increase, and patients suffer.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BLUMENAUER. Mr. Speaker, expanding the number of H–1B visas for foreign workers is critical to the well being of Oregon's high-tech community. Given the strong economy, record low unemployment, and declining graduation rates in high-tech education fields, that industry is facing a critical shortage of highly educated workers. In Oregon, for example, we have openings for 800 software engineers and are currently unable to fill them.

Our education system is not producing the needed skilled workers for the high-tech industry. The H–1B visa program helps fill the void, but that's not all it does. The legislation we adopted last night helps develop our own workforce.

The bill keeps the current $500 application fee that employers pay for new H–1B visa holders, which produces $75 million in revenue each year. Less than two percent of the fees is for administrative expenses and the rest is used to enhance our educational system. This funding provides math, science, engineering, and technology post-secondary scholarships for low-income and disadvantaged students. It is also used to improve K–12 math and science education and for job training.

While this funding helps, I have joined many of my colleagues in pressing for more. I am a

cosponsor of the Dreier-Lofgren bill that raises the cap on H–1B visas and doubles the application fee to $1000. I am hopeful we can adopt that increase before we adjourn and thereby do even more to meet our nation's educational needs.

Many companies in my state are working independently of the government to help as well. Intel makes its micro-chips in Oregon. In 1998, it contributed $63 million to higher education and $29 million to K–12 education. In an effort to encourage high school students to enter science and engineering career field tracks, companies like Electro Scientific Industries have partnered with local school districts and opened their doors to students, teachers and parents to talk to young engineers about career decisions and options.

Together, we can reverse the shortage by improving our educational system. In the short term, increasing visa numbers is not a bad thing. Each new wave of immigrants adds to the diversity and character of our communities. This diversity has given us the strength to grow in times of prosperity and survive in times of trouble. H–1B visa holders add to our strong economy.

RECOGNITION OF THE ''LIGHT THE NIGHT'' WALK

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Ms. PRYCE of Ohio. Mr. Speaker, my colleagues to will be interested in the following comments made by Mr. Ken Barun, President and CEO of Ronald McDonald House Charities on the "Light the Night" walk held on September 21, 2000, that raised funds for the Leukemia and Lymphoma Society. I submit Mr. Barun's remarks for the RECORD:

You, the ''Light the Night'' walkers—teams and individuals—are the ones truly making a difference tonight. Through your participation in events such as this, the Leukemia & Lymphona Society continues to raise funds and combat cancers that have touched so many of us—our families, our friends—those whom we know or had the pleasure of once knowing.

I think it's fate that the Leukemia & Lymphoma Society and Ronald McDonald House Charities have come together for this wonderful fundraiser. Both organizations care deeply about children and their families; both provide comfort and care when needed; and both want to see an end to this terrible disease called cancer.

To give you a brief background about Ronald McDonald House Charities, our mission is to improve the health and wellness of children around the world. It is a mission that began with the care and compassion of dedicated people who, like McDonald's Corporation founder, Ray Kroc, dared to dream.

Ray once dreamed of having a thousand McDonald's restaurants in the U.S. We now have more than 25,000 restaurants in 119 countries. Similarly, the people who started Ronald McDonald House Charities, had the dream of having just one Ronald McDonald House—the one that opened in Philadelphia in 1974. We now have more than 200 Houses around the world in 18 countries.

As the network of Ronald McDonald Houses grows, so does our role as a Charity. To date, through our global organization and more than 160 local Chapters in 32 countries, we've awarded more than 225 million dollars in grants. In addition, we receive the donation of time from an army of well over 25,000 volunteers worldwide.

Volunteers like you. People who effect positive change. Which brings me back to why we are all here. Leukemia is the number one disease that kills our children. Think about that—the number one disease. However, there is hope: Because of efforts like yours tonight, and the efforts of others like you, there's been enough funding to sustain ongoing research, research that has tripled the leukemia survival rate in the last 39 years. That is an astonishing accomplishment. And you, members and volunteers of the Leukemia & Lymphoma Society, should be proud to be a part of that.

I'd like to thank the McDonald's region in Washington and Baltimore and all its McDonald's franchisees for supporting and participating in tonight's ''Light the Night'' Walk with us. I'd also like to thank the Leukemia & Lymphoma Society for all your terrific work in organizing this event. And finally, to those of you who have come out here tonight, donned your walking shoes and have collected thousands and thousands of dollars, a very special, heartfelt thank you.

I feel truly honored to be in your company.

RECOGNITION OF LAWSUIT ABUSE AWARENESS WEEK: SEPTEMBER 18–22, 2000

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. EHRLICH. Mr. Speaker, I rise to acknowledge a group of citizens in my district working hard to address an issue affecting every citizen of our state: Lawsuit Abuse.

Throughout my district, and all over the greater Baltimore area, local citizens are volunteering their time and energy to inform the public about the costs and problems stemming from the excessive numbers and types of lawsuits filed in today's litigious society. The men and women of the Baltimore Regional Citizens Against Lawsuit Abuse, otherwise known as BRCALA, have a simple goal—to create a greater public awareness of abuses of our civil justice system. This type of citizen activism has had a positive impact on perceptions and attitudes toward abuses of our legal system, a problem most folks do not stop to consider during their daily routine.

While the overall mission of Baltimore Regional Citizens Against Lawsuit Abuse is to curb lawsuit abuse, the organization's efforts focus on education. Every time these dedicated Marylanders speak out against lawsuit abuse, ordinary citizens are educated on the statewide and nationwide consequences our legal system has on our daily lives. The costs of lawsuit abuse include higher prices for consumer products, higher medical expenses, higher taxes, higher insurance rates, and lost business expansion and product development.

As a former member of the Maryland General Assembly, I worked hard to reform our legal system at the state level. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of the federal Superfund program. More importantly, I sponsored legislation that has helped reduce frivolous class action lawsuits brought against mortgage brokers.

This year, I voted to support H.R. 1875, the Interstate Class Action Jurisdiction Act. This legislation recognizes that many class action lawsuits do little to help consumers, but allow personal injury lawyers to collect millions of dollars in legal fees. H.R. 1875 is an important step in helping reform a legal system that has been abused time and time again.

Legal reform is a complex issue. The legal system must function to provide justice to every American. This does not mean, however, that the status quo is perfect. When lawsuits and the courts are used in excess or to the detriment of innocent parties, the system must be reviewed and reformed.

Let me acknowledge the BRCALA board of directors for giving of their valuable time and energy: the Honorable Phillip Bissett, BRCALA chairman; Joseph Brown, Jr.; Dr. William Howard; Gary O. Prince; the Honorable Joseph Sachs; and the Honorable Michael Wagner—directors and supporters dedicated to BRCALA; and Nancy Hill, BRCALA executive director.

Mr. Speaker, the Baltimore Regional Citizens Against Lawsuit Abuse has declared September 18 through September 22, 2000, as "Lawsuit Abuse Awareness Week" in Maryland.

I want to commend every person involved in this worthwhile effort for their dedication and commitment.

A TRIBUTE TO HON. ROBERT W. BLANCHETTE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. SHUSTER. Mr. Speaker, I rise to pay tribute to one of the true leaders in the renaissance of America's rail transportation system. Robert Blanchette, who died last week, was literally present at the creation when our private-sector railroads suffered financial collapse in the 1970s, and then returned to financial stability after 1980.

After graduation from Yale Law School and service as an Air Force legal officer, Mr. Blanchette began his legal career in railroading as the general counsel of the New Haven Railroad in the late 1960s. While serving in that post, he also became executive director of the America's Sound Transportation Review program, one of the first modern efforts to analyze the ills of the transport system and recommend needed changes.

Bob's next major post was counsel to the bankruptcy trustee of the Penn Central Railroad, which entered bankruptcy in 1970 and collapsed in 1973. At the time, Penn Central was the largest corporate bankruptcy in U.S. history. Based on his outstanding performance as counsel, Bob was later installed first as bankruptcy trustee, then chairman of the board, and chief executive officer.

As one who arrived in Congress in the midst of what became known as ''the wreck of the Penn Central,'' I can personally attest to the gargantuan effort required to deal with massive creditor claims against the Penn Central estate, while at the same time helping to fashion Conrail as the federally created successor to the various bankrupt Northeastern freight railroads. Bob handled these daunting tasks with characteristic acumen and aplomb. Eventually, thanks to the groundwork laid during Bob's tenure with the Penn Central, Conrail became a thriving railroad that was fully privatized in 1987 and was recently purchased by Norfolk Southern and CSX.

When Ronald Reagan took office in 1981, Bob was named Federal Railroad Administrator. This was an era of massive and long overdue change, when the entire freight railroad industry was being transformed and rehabilitated through the deregulation of the Staggers Rail Act. Bob was at the center of efforts to modernize all federal policies affecting the rail transport system.

In 1983, Bob returned to private law practice, representing the French high-speed rail enterprise, TGV. Later, from 1990 to 1997, he served as general counsel to the Association of American Railroads.

Those who worked in or with the railroad industry can attest to Bob's razor-sharp mind and analytical skills. He was able easily to grasp the most complex issues, and equally important, to fashion sensible proposals for addressing those issues. Without exception, Bob was the consummate gentleman, and a constant source of dry wit and good humor. He never shrank from discussing and dissecting the rail transport policy issues of the day, on or off Capitol Hill.

Throughout his professional career, Bob remained intensely proud of his French heritage, and an unapologetic Francophile, always ready to discuss French culture, cuisine, and of course, wine. He was truly un homme extraordinaire, and will be sorely missed by all who had the good fortune to know him.

MR. TRACY JOHNSON HONORED WITH NATIONAL CRIME PREVENTION AWARD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. MANZULLO. Mr. Speaker, I rise today to pay tribute to Mr. Tracy Johnson of Freeport, Illinois, a town in the congressional district I am privileged to represent. Tracy is a modern-day hero who works tirelessly to prevent crime in northern Illinois.

On September 29, 2000, Tracy joined seven other citizen crime fighters from around the country to receive the SBC Communications Award of Excellence in Crime Prevention. Nationally recognized comedian Joe Piscopo presented the award during the ''2000 National Conference on Preventing Crime'' in Washington, DC. This year's eight winners, selected from nominations across the country, have all made major impacts in their communities with their innovative crime prevention strategies.

Tracy received this special honor because he helped spearhead the Coalition for a Safe Community, a comprehensive partnership of organizations and people planning and acting to prevent crime throughout Freeport; started an education and action crime prevention program for youth; and developed a job training and placement center for young mothers, among other activities.

I wish to thank Tracy and the numerous individuals with whom he works for their tireless efforts to make our communities safer.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. ACKERMAN. Mr. Speaker, as the Republic of China's 89th National Day approaches, I wish to congratulate President Chen Shui-bian and the people of Taiwan for their continuing economic success and political reforms.

On this festive occasion, it is my hope that Taiwan and the Chinese mainland will soon begin a serious dialogue on reunification issues. The time is approaching for both sides to work out their differences and find a way to co-exist without antagonism. I am certain the people on Taiwan look forward to the day when they will be able to celebrate October 10th without the fear of a bellicose neighbor threatening not only their political freedom, but also their very lives.

I also would like to take this opportunity to extend my heartfelt congratulations and best wishes to Ambassador C.J. Chen, who recently returned to Washington after several years in Taipei. A distinguished diplomat, Ambassador Chen is now Taiwan's chief representative in the United States. Ambassador Chen is an industrious and experienced diplomat who has worked diligently for many years to strengthen ties between the United States and the people of Taiwan.

Mr. Speaker, Taiwan has become a beacon of democracy in an area of the world which has known authoritarianism for centuries. The upcoming celebration of National Day in the Republic of China is a timely reminder of the importance of our friendship and support for Taiwan.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, in 1998, Congress passed legislation to raise the H–1B caps to 115,000 visas per year. That legislation included important provisions to ensure that American workers would not be displaced by those holding H–1B visas. This included requirements for employers to file applications with the Department of Labor showing that they will pay the H–1B worker the ''required wage rate'' and that a strike or lockout was not occuring at the job site.

Unfortunately, that legislation was not enough and already the 115,000 H–1B visa limit for Fiscal Year 2000 has been reached. Tuesday, the Senate passed S. 2045 to increase the H–1B cap to 195,000 through 2003 and included several important worker training and education provisions. It is now time for the House to pass this bill as well.

This bill includes provisions so that 55% of the H–1B education and training fees go toward Department of Labor demonstration programs and projects to provide training for workers. Twenty-two percent of the fees will go toward low-income scholarships and fifteen percent of the fees will go toward National Science Foundation grants for math, technology and science education in primary and secondary schools. It also provides after-school technology grants to encourage youth education in these subject areas.

Earlier this year, I cosponsored ''The Helping to Improve Technology Education and Achievement Act of 2000'' introduced by Congresswoman ZOE LOFGREN and Congressman DAVID DREIER. This bill was critical to the debate on this issue and I am proud to have worked with those sponsors, as well as with members on both sides of the aisle who have been dedicated to bringing this bill to the floor.

I recognize the enormous difficulties that the current worker shortage poses to high tech companies. At the same time, however, I want to insure that we do all that we can to reach the best and brightest in America and providing opportunity for and training to American workers as well. Today's bill is attentive to both of these needs. I urge all of my colleagues to vote for S. 2045.

PASS THE CARAT ACT: H.R. 5147

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. HALL of Ohio. Mr. Speaker, many of us are gravely concerned about the role the trade in diamonds has in fueling some of the most brutal wars in Africa. Much is made of the fact that the number of these diamonds is small—between 4 and 15 percent. The reality is that blood diamonds account for 30 percent of the profits the industry earns.

The link between diamonds and war is well-documented, and I urge our colleagues to get the complete story by requesting a briefing by U.S. intelligence agencies. In the meantime, I am submitting for the RECORD a selection of excerpts from respected publications. This is by no means exhaustive, and it omits reports on the industry's recent efforts to repair its damaged reputation.

I hope this selection is useful to the American public—which buys two-thirds of the world's diamonds. And I urge my colleagues to review this situation and join in efforts to combat this terrible trade.

''The flow of uncut diamonds from rebel-held mines to market centers around the

world—valued at hundreds of millions of dollars a year—is keeping rebel armies in Angola, Congo and Sierra Leone supplied with tanks and assault rifles and even uniforms and beer, American and European officials say.'' U.S. May Try to Curb Diamond Trade That Fuels Africa Wars, *New York Times,* 8/7/99.

''The brutal war in Sierra Leone, which left thousands maimed and mutilated, was prolonged by at least 18 months because of the ability of the rebels to quickly trade diamonds for arms, an Administration official said. . . .'' U.S. May Try to Curb Diamond Trade That Fuels Africa Wars, *New York Times,* 8/7/99.

''In many African nations, the natural resources that should be used to feed and educate people are instead being used to destroy them. . . . Loot, not better government, has motivated the psychotically brutal guerrillas of Sierra Leone.'' The Business of War in Africa, *New York Times,* 8/8/99.

''Sierra Leone was founded in the 18th century as a safe haven for freed slaves. At the close of the 20th century, its people are enduring horrors at the hands of their countrymen and bearing scars from a civil war of atrocities perpetrated by an army of thugs and desperadoes.'' The Amputees of Sierra Leone: Civil War's Brutal Legacy, *Washington Post,* 10/18/99.

''The eight-year conflict that has shattered this country and brutalized its 5 million people has been fueled by foreigners' hunger for diamonds. . . . These conflicts are singularly brutal, scholars say, because many of their sponsors are outsiders with little motive to limit destruction.'' Diamond Hunters Fuel Africa's Brutal Wars, *Washington Post,* 10/16/99.

''. . . a prosthetics specialist for Handicap International . . . said he had never seen a double-arm amputee until he came here. 'It was shocking,' he said. 'I don't think you will find double amputees of the upper limbs anywhere else in the world—maybe isolated cases, but not like in Sierra Leone.' In the Amputee and War Wounded Camp. . . . the double amputees are considered the unluckiest. Those without arms . . . openly express envy of those with a missing leg, who will one day wear trousers over an artificial leg, or those with at least one good arm. . . . a psychologist who treats the amputees, said the Revolutionary United Front appeared to have selected men whose maiming would most profoundly affect the social order. 'It was the goal of the rebels to take away their role as men, fathers and husbands.'' Sierra Leone Measures Terror in Severed Limbs, *Washington Post,* 8/22/99.

''The residents of this camp [for amputees] lost their arms and feet to a rebel force that spread terror among Sierra Leoneans not by killing but by leaving people . . . as living, limbless symbols of its savage power. The campaign*Sierra Leone Measures Terror in Severed Limbs, Washington Post,* 8/22//99.

''That dazzling diamond necklace you buy for that special someone at a swank Fifth Avenue jewelry store may be funding the activities of a canibal gang in Sierra Leone. . . . It's the dark side of the diamond industry. . . . and the profits—estimated to be $2 billion a year—are funneled back to some of the worst mass killers this century has ever seen. The money is used to buy arms and military hardware, and to hire private mercenary firms to keep these internal African conflicts raging, according to a recent report by the State Department's Bureau of Intelligence and Research.'' *Dirty Diamonds, New York Post,* 11/9/99.

''. . . are New York diamond dealers worried about having their glittering product follow in the footsteps of the fur coat and labeled parish products? 'No . . . We've weathered many storms before. We'll weather this one too.' '' *Dirty Diamonds, New York Post,* 11/9/99.

''Some of Africa's worst violence—in Angola, in Congo, in Sierra Leone—where hundreds of thousands have died or lost arms and legs: This turmoil has been financed in large part by stolen diamonds that end up in jewelry stores around the world. . . . There is so much money at stake, it won't be easy to stop rebels who have used the beauty and value of diamonds to create misery and death in Africa.'' ABC World News Tonight, 11/26/99.

''In an African tragedy, the world's purest gems are funding one of the diriest wars in history.'' *Diamonds in the Rough, Time,* 12/6/99.

''More than 10,000 people had been murdered, raped, abductted or maimed by rebels in a campaign of calculated terror. In their vividness sand gratuitous cruelty, the mass amputations epitomized the powerlessness of ordinary Africans a the turn of the millennium. They also marked a climactic spasm in a grinding eight-year civil war shaped by familiar patterns. Outsiders exploited Sierra Leone's diamonds and other resources. . . . The international media paid little attention. And the great power stood aside, numbed by Africa's wars and poverty.'' *Peace Without Justice: The Other War, Washington Post,* 1/9/00.

''Rebel armies in Angola, the Congo, and Sierra Leone wage brutal civil wars funded by an extensive, smuggled diamond trade. The rebels take control of a diamond mine, falsify a few documents, and then sell the diamonds in the international markets. . . . Rebels in Sierra Leone used their diamond money, funneled through dealers in Liberia, to build an army that started with just 400 volunteers, into a fighting force with more than 20,000 paid soldiers.'' *Is Your Engagement Ring Funding a Civil War?,* Shewire, 2/23/00.

''In many parts of Africa, diamonds don't mean glamour, purity or eternal love. Instead, they mean slaughter and sadistic brutality. In civil wars in Angola, Congo and Sierra Leone—among the world's bloodiest yet most ignored conflicts—guerrilla groups earn hundreds of millions of dollars annually from mining and exporting diamonds. They use the money to buy huge arsenals and terrorize enormous expanses of countryside.'' *Glittering Currency of African Warfare, San Francisco Chronicle,* 3/6//00.

''The diamond-financed escalation of war in Angola in the last decade has cost the lives of about 500,000 people while displacing about four million others, according to human rights groups and the United Nations,'' *U.N. Sees Violation of a Diamond Ban by Angola Rebels, New York Times,* 3/11/00.

''. . . the glittering stones have become agents of slave labor, murder, dismemberment, mass homelessness and wholesale economic collapse.'' *New York Times.* 4/6/00.

''Sierra Leone remains one of the poorest countries, despite its diamond wealth. Or rather because of it. 'The diamond mines are central to the conflict in two ways. One, they provide the spoils. Two, providing the RUF with the money to continue waging war.' '' *A Conflict Rooted in Rebels and Diamonds, Christian Science Monitor,* 5/15/00.

''Clausewitz called war 'the pursuit for politics by other means.' But war is just as often a device for the pursuit of business. In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revoluntionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. . . . They fight not to win but to keep hold of the diamond trade.'' *Diamonds are for Killers, Washington Post,* 5/16/00.

''The international diamond trade needs to be regulated . . . Better accountability is not too much to ask of an industry with annual retail sales worth $56 billion. Western governments can carry on financing peacekeeping missions while their consumers finance mayhem.'' *Diamonds are for Killers, Washington Post,* 5/16/00.

''Sierra Leone is being ripped apart because of diamonds. The Revolutionary United Front, or RUF, the leading rebel group, controls the country's richest diamond areas . . . refugees have no hope of profiting from their hometown's natural wealth so long as the RUF remains there. 'I am living like this all because of diamonds,' [a refugee] said, surveying a crush of humanity at the camp's food distribution center.'' A War Driven by Diamonds, Los Angeles Times, 5/26/00.

''That a criminal economy can eat away at the heart of states and whole nations is nothing new. But recent events in Lierra Leone have shown that it can also divert to its own advantage an entire peacekeeping operation run by the United Nations and supported by the main foreign powers . . . We must be clear about who is involved. Barbaric, drug-crazed and dragooned by the warlords as they may be armed and desperate young men could not have brought UNAMSIL to it knees all on their own. The UN has been ensnared by something different, something newer and more insidious; by a struggle between two rival groups supported by businessmen intent on gaining control of mineral wealth.'' *Sierra Leone's Diamond Wars, Le Monde,* 6/00.

'The Kalashnikov lifestyle helps our business,' sing the child-soldiers of the RUF. When these kids with guns—doubly cursed by a war in which they are born to live as killers and then die young—watched the blue berets moving towards the diamond fields last March, they did not see them as representatives of an international community intent on disarming them and generously giving them an education, health, social protection and work. This is just one more faction that wanted to take their territory away from them so as to deprive them of their source of wealth . . . '' *Sierra Leone's Diamond Wars, Le Monde,* 6/00

''At least three wars in Africa are 'fueled' by diamonds . . . A campaign partly financed by Britain, is seeking to alert consumers to 'conflict' diamonds.' Seeing what animal-rights campaigners did to fur, this has terrified the whole industry.'' *Losing Their Sparkle: How to Stop Diamonds Paying for Nasty African Wars, The Economist.*6/3/00.

''When they chop off people's hands, they will say to the victims, 'Let's see how you're going to vote now,' [Sierra Leone's Ambassador] Liegh explained. 'In Sierra Leone, people re in a state of shock. Nobody throughout the fellow Africans could be this vicious' The extreme violence, he said, is explained by the diamonds, which the rebels—who have received support from Libya and neighboring Liberia—seek to control. 'The greedier you are, the more violent you are,' he said.'' *An African Ambassador Battles Terror and Indifference, New York Times,* 6/5/00.

''As the people of Sierra Leone, Angola and the Democratic Republic of the Congo have found to their cost, diamonds from rebel-

controlled mines are the perfect currency to discreetly buy arms, bribe officials and keep soldiers fed and fighting. Stones smaller than a fingernail can be easily hidden and sold for thousands of dollars with no question asked.'' *African Diamonds are a Rebel's Best Friend, Reuters*, 6/8/00.

''DeBeers is stepping up its attempts to make such Robin Cook and others do not stigmatize diamonds as 'the new fur' through constantly associated them with wars in Africa. Diamonds are commonplace in some parts of the [African] Continent and their high value is dependent on a pure image and DeBeers' restricting supply. The company has always had a huge marketing arm and 'diamonds are forever,' coined in 1947, is one of the most successful advertising slogans of all time.'' *African Images Could Hurt Diamond Trade, Daily Telegraph*, 6/12/00

''The [United Nations'] main objective is to take the diamond fields in the east, which finance the rebels' war chest . . . From the diamond fields, the threats of the conflict lead over the border. The RUF smuggles diamonds into neighboring Liberia, where President Charles Taylor (who helped launch the RUF) is, according to the British, swapping them for weapons and ammunition.'' *Sierra Leone: Staying On, The Economist*, 6/17/00

''Many rebel leaders inciting civil conflict are really more interested in lucrative commodities such as diamonds, drugs, timber and coffee than in the political grievances they espouse, the World Bank says in a report release last week...When the main grievances—inequality political repression, and ethnic and religious divisions—are measured objectively, *Report Links Conflicts with Commodities, UN Wire*, 6/22/00.

''In Sierra Leone, the Revolutionary United Front, a rebel outfit seeking to conquer diamond fields in the eastern part of their country, routinely chops off the limbs of citizens to force evacuations of the countryside surrounding the mines. The rebels barter diamonds for weapons and fund their movement with illicit diamond trade. . . . While the vast majority of diamonds come from conflict-free zones in Africa and are traded legitimately, enough diamonds are mined in conflict zones to create a reasonable doubt about any stone's origin.'' *Rights Groups Take the Stick to Carat of Conflict Diamonds, Congressional Quarterly Daily Monitor*, 6/26/00.

''. . . public perception of diamonds has been marred by the gems' links to such armed conflicts as the one in Sierra Leone, reports the Karachi Dawn. 'Suddenly, instead of being glamorous and eternal, the precious stones are shooting to the top of the political hate list,' wrote Doug Alexander. 'Their sparkle has faded in a matter of weeks.' '' *Diamonds Becoming Unpopular Due to Ties to Conflict, UN Wire*, 6/29/00.

''''We have always maintained that the conflict in Sierra Leone is not about ideology, tribal or regional difference,' [Sierra Leone's Ambassador] Kamara added. ''It has nothing to do with the so-called problem of marginalized youths or . . . an uprising by rural poor against the urban elite. The root of the conflict is and remains diamonds, diamonds and diamonds.' '' *New York Times*, 7/6/00.

''Two weeks ago the World Bank reported that the struggle for diamonds and other commodities had overtaken politics as the biggest cause of civil war globally. The deaths of countless Africans are now inextricably linked to the glittering object that has symbolized the promise of a lasting marriage.'' *In Search of Hot Rocks, Newsweek*, 7/10/00.

''By far the most potent symbol of the suffering 'conflict diamonds' can inflict are the amputees of Sierra Leone. [Foday] Sankoh's rebels cut the hands off defenseless civilians in order to sow terror and clear people out of diamond-rich areas. Later, long after a peace agreement had been signed, Sankoh's forces attacked U.N. peacekeepers just as they were preparing to move into rebel-held diamond zones. That audacious assault clearly demonstrated just how important diamonds had become to the RUF.'' *In Search of Hot Rocks, Newsweek*, 7/10/00.

''Rather quickly, the world is waking up to the role of diamonds in fueling Africa's civil wars.'' *Africa's Death Stones*, 7/15/00.

''Diamonds have long conjured the most romantic notions. . . . In parts of conflict-ridden Africa, however, diamonds inspire little sentimentality. African warlords have taken control of some of the most valuable diamond mines on the continent, using the proceeds to buy guns and machetes. Their involvement in the international diamond trade has given birth to a new gemstone: the blood diamond.'' *A Rebel's Best Friend, Washington Times*, 7/23/00.

''Consumers have begun to ask where their diamonds come from, prodding the industry to start certifying that it does not finance civil wars, merchants said. . . . The diamond merchants say they are working under pressure from their customers.'' *Diamond Industry Makes Proposals, Washington Post*, 9/7/00.

''Buyers would be appalled to learn that money paid for diamond rings and bracelets may ultimately support politico-criminal bands which exploit child-soldiers and survive by atrocities and terror. The business would be ruined overnight if the barbarous crimes committed in Sierra Leone—and wholesale atrocities against civilians in the struggles over control of diamonds and minerals in the Congo, Angola and elsewhere—became associated by the Western public with luxury jewels.'' *How Pressure on the Diamond Trade Can do Good for Africa, International Herald Tribune*, 8/25/00.

''The diamond trade is hard to control since the stones are so easily concealed and transported. . . . On the other hand, nearly all traded jewel diamonds pass by way of four countries: South Africa . . . Belgium and Israel, . . . and the United States. All are serious countries that can suppress much of the illicit trade, if they want.'' *How Pressure on the Diamond Trade Can do Good for Africa, International Herald Tribune*, 8/25/00.

''DeBeers was rocked by disclosures that in 1992 the company bought $14 million worth of diamonds from Angolan rebels and has since scrambled to burnish its public image . . . [its] strategy may prove a spectacularly profitable act of reinvention.'' *A Gem of a New Strategy, Time*, 9/25/00.

''Nine years of civil war . . . has devastated the civilian population of Sierra Leone. The conflict has killed over 75,000 people, displaced one-half of the country's 4.5 million people, and resulted in egregious human rights violations. . . . The RUF, however, has continued to finance its military operations through the illegal sale of diamonds.'' *Sierra Leone: Diamonds for Arms, Human Rights Brief*, Spring 2000.

''The photographs of sad-eyed babies whose hands were hacked off by a vicious rebel force have shocked the world's conscience. So too have reports that the wealth and weaponry of Sierra Leone's insurgents come from their control of their country's diamond fields. The horrifying juxtaposition of severed limbs with twinkling gems has even riveted the attention of the diamond industry. U.S. consumers have a particular reason to deplore the link between diamond purchases and the funding of the psychotic rebel forces in West Africa. Americans reportedly account for 65 percent of the world's diamond jewelry sales. But at present there is no way for those buying this symbol of love to make an ethical choice.'' *Deadly Diamonds: Gems Sold in the United States Pay for Atrocities in West Africa, Legal Times*, 9/11/00.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. HINOJOSA. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall vote No. 509, making further continuing appropriations for the fiscal year 2001. Had I been present I would have voted ''yea.''

IN HONOR OF THE 25TH WEDDING ANNIVERSARY OF DON AND CATHIE HUNSBERGER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. COX. Mr. Speaker, there are few occasions more joyous and historic in a family's life than a 25th wedding anniversary. On October 11, 1975, Don and Cathie Hunsberger were married. Today, a quarter-century later, their bonds of matrimony are stronger than ever.

As each of us in Congress knows, leadership in all walks of life means, more than anything else, setting an example. The Hunsbergers' commitment to each other, to their families, and to their communities is just such an example and inspiration to us all.

They began their partnership as college sweethearts at DePauw University in Greencastle, Indiana. Cathie was studying to become a teacher. Don was preparing for law school. Even then, Cathie was convinced that the education of our children was the key to our future, and Don was committee to improving the way of our laws and our government serve the people. Their sense of caring and responsibility made a lasting impression on all of their many friends, most particularly Cathie's adopted ''sister'' and roommate, my wife, Rebecca. Cathie and Don were soon married, and shortly made their way to Orange County, California.

As a renowed educator, Cathie has made a positive difference to hundreds of our children in Orange County. Don's leadership in the law and his community service have improved the lives of families throughout Southern California.

Twenty-five years of marriage have produced four children. As parents, Don and Cathie have passed along their values and their sense of honor, duty, and patriotism to Lauren, Ashley, Alec, and Evan. As a result, Orange County and our Nation will long profit from their example.

Along with the rest of their family and friends, the Hunsbergers will be celebrating

this memorable occasions on October 11, 2000 in Yorba Linda, California at the home of Cathie's parents, George and Mary Ries. I know all of my colleagues join me in wishing Don and Cathie Hunsberger a splendid 25th wedding anniversary, and many more to come.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BLILEY. Mr. Speaker, the Republic of China on Taiwan will celebrate its 89th anniversary of its founding on October 10, 2000. On this exciting occasion, I would like to add my support for this thriving democracy and to recognize the good work of Taiwan's President Chen Shui-bain.

Again this year, the Republic of China on Taiwan attempted to return to the United Nations. I agree that the Republic of China on Taiwan should have a place in the United Nations. Taiwan is, and has always been willing to contribute to the many worthwhile causes of the United Nations, but without membership to the United Nations, Taiwan is barred from any substantive involvement.

Time has come for the United Nations to honor its own principle of universal membership and admit the Republic of China on Taiwan as a member.

On the eve of the Republic of China's National Day, I call on the United States to support this thriving democracy in their bid to become a member of the United nations.

QUALITY, NOT QUANTITY; RESULTS NOT PROCESS

SPEECH OF

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, BILL GOODLING.

When I think of BILL GOODLING, the words ''quality'' and ''integrity'' come to mind. BILL GOODLING is an example of the very finest this institution has to offer. His practical experience as a high school teacher, principal, and superintendent has given him the ability to legislate with authority on education issues. Many times I have looked to his leadership on education and deferred to his ''hands-on'' knowledge of preparing children for the best possible future.

BILL's philosophy of education is based on the premise that many of us believe in—ensuring that parents and local education agencies make decisions regarding a child's education, not the federal government. As Chairman of the Education and the Workforce Committee, he has challenged the federal education paradigm by insisting that the education of children is not determined by federal bureaucrats.

For his entire tenure in the House of Representatives, BILL GOODLING has encouraged all of us to keep the federal government's commitment to special education, and funding for the Individuals with Disabilities Education Act (IDEA) has more than doubled during his term as Chairman of the Education Committee. IDEA will miss a great ally when he retires from the House.

Under his leadership, the focus on education has shifted from the quantity of programs and services provided by the federal government to the quality of those programs. Head Start, for example, has been enhanced to ensure that children are taught by qualified teachers and held accountable for meeting specific performance measures. Ed-Flex has also been expanded to allow all 50 states flexibility in administering education programs in return for meeting measurable performance standards.

BILL's contributions to Congress are not solely limited to education, however. As a member of the Committee on International Relations, he has impacted the development of U.S. foreign policy by insisting that U.S. national security interests are the utmost priority. His position on that Committee has also allowed him the opportunity to champion human rights and child survival efforts abroad.

Like many of my colleagues, I am saddened to see him leave this body. I will certainly miss his practical, ''hands-on'' expertise when looking for leadership on education issues. But I congratulate you, BILL, on a job well done. I wish you and Hilda all the best for your life to come.

HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

SPEECH OF

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. CHAMBLISS. Mr. Speaker, I rise today in strong support of this important bill, H.R. 4503, Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act, which provides critical funding to assist a group of schools who pioneered improvements in educational opportunities for women throughout the United States.

Like the other colleges and universities that we are supporting in this bill, Wesleyan was established to ensure that women in the United States receive a quality education. Wesleyan College was founded as a public college in 1836, by citizens of Macon, Georgia, as Georgia Female College and is the oldest women's college in the world that still educates exclusively women. For more than 160 years, Wesleyan, has prepared women for life, work, and service. Today, Dr. Nora Bell, President of Wesleyan, the faculty and staff of Wesleyan continue to promote women's education as a continual, integrated process of growth in mind, spirit, and body.

Located on a 200-acre wooded campus, Wesleyan has multiple historic buildings on its current campus, including Persons Hall, Wortham Hall, and Banks Hall. I have had the distinct honor to visit the Wesleyan campus on many occasions. I have talked to students, toured the splendid historic building, and I firmly believe that providing funding for Wesleyan College as well as Georgia College and the other prestigious historically women's public colleges and universities will help restore some of our most precious historic landmarks and treasures and preserve the foundations of women's education in America.

FOREMOST FOODS ON GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. UNDERWOOD. Mr. Speaker, this year marks the 50th anniversary of Foremost Foods on Guam. For five decades, Foremost has been at the forefront in providing goods and services to the people of Guam. The company's products were first introduced to local households in 1950, when former Governor Carlton Skinner asked International Dairy Supply Company to supply Guam's civilian population with dairy products. Two years earlier, International Dairy was awarded a contract to produce goods exclusively for military personnel. Blue Seal milk products were then sold at local stores and Guam schools began receiving half-pints of milk for lunch programs.

On February 12, 1951, International Dairy Supply Company was issued a Guam business license and, by 1955, the company was producing a thousand gallons of milk a day for civilian consumption. At the time, the staff consisted of 11 production personnel, 5 maintenance staffers and 3 drivers. In 1961, the Blue Seal milk trademark was replaced with the familiar ''F'' logo denoting Blue Seal's relationship with the parent company, Foremost Dairies. by 1965, Foremost Dairies had become the company's sole shareholder.

In the 1960's, milk, vanilla ice cream, and Coca-Cola were Foremost's bestsellers on Guam and in the Northern Marianas. As consumer lifestyles became more active and sophisticated, Foremost catered to local tastes. Through the years, low-fat skimmed products, Diet Coke, fat-free milk, yogurt and Crystal Clear Drinking Water have found popularity among island consumers.

From a handful of employees in the 1950's, Foremost Foods and Coco-Cola Beverage Company, Guam, now employs a full time staff which mans two 8-hour shifts at their state-of-the-art plant in Upper Tumon. In addition, a technical staff supervises and maintains equipment 24 hours a day, 7 days a week. Under the capable direction of Paul Boon, who became the company's president 7 years ago, Foremost has continued a tradition of dedication and support for its employees. Veteran employees can attest to the company's concerns towards its workers through their training and development programs and their salary and benefits packages.

Over the years, Foremost has also been an active supporter of community programs, activities and events. The company has supplied

products to numerous races and tournaments. It sponsors major events, such as the prestigious Asian Professional Golf Association Tournament, and provides corporate encouragement to community endeavors, such as Sanctuary Inc., the American Cancer Society, Goodwill Industries of Guam, Inc., and the Guam Chapter of the American Red Cross. However, the cooperative spirit between Foremost and the community is best demonstrated in times of contingency, such as typhoons. During such times, Foremost employees switch to round-the-clock production preparing basic supplies, such as ice and water, in order to meet the needs of island residents.

For the past 50 years, Guam and the Northern Marianas have enjoyed quality products provided by Foremost Foods. On behalf of the people of Guam, I commend the company for its contribution to our community and our economy. I congratulate Foremost Foods and join them in celebrating their 50-year anniversary on Guam. I hope that the next 50 years would bring continued success to Foremost Foods and its employees.

At this point, I would like to submit, for the RECORD, the names of veteran employees who, through the years, have made great contributions towards the success of the company.

33 Years: Narciso M. Ibit, Production Supervisor; 31 Years: Eduardo G. Merto, Dairy Specialist II; 27 Years: Hermie L. Loria, Production Supervisor; 26 Years: Benjamin M. Peralta, Engineering Technician I; Danilo E. Tucio, Dairy Specialist III; 25 Years: Joseph E. Collado, Chief Engineer; Arturo Hippolito, Dairy Specialist II; Marcelo Carlos, Jr., CSR Crystal Clear; Luis Gonzales, Production Manager; Carlos Nucum, Engineering Technician II; Bartolome Andres Dairy Specialist II; Efren Silva, Engineering Tech I; Tommy Sangalang, Dairy Specialist II; Teodor Agsalud, Warehouse Specialist II; 24 Years: Natalio I. Esperosa, Dairy Specialist I; Mateo D. Ulanday, Dairy Route Sales Representative; Cerilio Danila, Dairy Specialist III; Jose Ferrer, Dairy Route Sales Representative; 23 Years: Rudolfo De Guzman, Dairy Specialist II; Leo Bustillo, Warehouse Specialist II; Augusto Perez, Engineering Technician III; Luther Umayam, Auto Mechanic I; Alberto Valencia, Engineering Technician I; 22 Years: Manuel Alvarez, Crystal Clear Supervisor; Jose Agahan, Warehouse Specialist II; 20 Years: Romualdo Dela Cruz, Engineering Leadman IV; 19 Years: Federico Ventura, Preseller (Dairy); Erlo Torres, Dairy Specialist II; 15 Years: Reynaldo Dimla, Engineering Clerk; Samuel Agsalud, Dairy Specialist III; 14 Years: Rogelio Almeria, Auto Mechanic II; 13 Years: Zaldy Ponce, Warehouse Specialist II; Benson Ayson, Dairy Route Sales Representative; Rodolfo Paulino, QA Manager; Luzviminda Fellone, Lab Technician II; Elmer Escalera, Dairy Specialist II; Eddie Salonga, Dairy Route Sales Representative; 12 Years: John Panaguiton, Dairy Route Sales Representative; Eloison Galang, Coke Vending Sales Representative; Antonio Pehipol, Dairy Specialist IV; Amante Velasco, Dairy Specialist III; Roger Tiong, Dairy Route Sales Representative; Salvador Tarape, Dairy Route Sales Representative; 11 Years: Gil David, Warehouse Specialist II; Jose Canovas, Preseller (Dairy); Edgar Llarenas, Coke Technician III; Joveneil Eugenio, Lab Technician I.

EX-OFFENDER VOTING RIGHTS ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. TOWNS. Mr. Speaker, in Post-Civil War America, Congress passed the Fourteenth and Fifteenth Amendments to the United States Constitution to give African Americans the right to vote and to participate meaningfully in the governance of this country. While 22 African-Americans were elected to Congress in the following years, the promise of these amendments was destroyed by Jim Crow laws. After decades of struggle, the sacrifices of nonviolent civil rights protesters spurred Congress to approve the Voting Rights Act in 1965. The passage of the Voting Rights Act was perhaps the most important victory won by the Civil Rights Movement led by the Reverend Dr. Martin Luther King, Jr. All of these efforts were made with the recognition that the franchise is critical to the ultimate emancipation of the African American people.

Unfortunately, as we approach the first national election of the new millennium, we are confronted with another challenge to the enfranchisement of millions of African-Americans. Mr. Speaker, there is simply no justification for the disenfranchisement of almost 3 million Americans who served their sentences for the commission of a felony crime. Let me repeat that point: over 3 million Americans have lost their right to vote even after they have paid their debt to society. Mr. Speaker, this issue is of great concern to my community, which already suffered so much from the so-called "war on drugs."

The war on drugs is perhaps the single most "effective" tool in disenfanchising millions of African Americans since Jim Crow. Between 1985 and 1995, there was a 707% increase in the number of African Americans in state prison for a drug offense, compared to a 306 percent increase for whites over the same period. In addition, since the advent in 1986 of mandatory minimum sentences for drug related offenses, the number of African Americans in prison on drug-related offenses has exploded. In fact, despite evidence that African Americans and Caucasians use drugs at roughly the same rate, African Americans have been especially hard hit by mandatory minimum sentences: African Americans comprise about 13 percent of the United States' population, 15 percent of drug users, and 17 percent of cocaine users. However, thanks to the war on drugs being targeted against our communities, African Americans account for 33 percent of all federal drug convictions, 57 percent of Federal cocaine convictions and a staggering 84 percent of all federal crack cocaine convictions. Once convicted, these individuals often lose their right to vote for life.

The result? The combined effect of the war on drugs and mandatory minimum sentences being targeted at African Americans and other minorities is that these groups are losing their right to vote at staggering rates. That's why I come here today, to join my colleagues in demanding passage on vital legislation to make all persons released from prison automatically eligible to vote in federal elections. This, Mr. Speaker, is a necessary step in restoring the franchise to those Americans who have already suffered so much.

IN RECOGNITION OF MANUEL D. MAYERSON

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Manuel D. Mayerson, who will be honored at the Second Annual Circle of Life Awards Dinner in Cincinnati on October 5, 2000.

The Circle of Life Awards Dinner raises awareness about the severity of brain injury and honors leaders like Manuel for their work in helping young people with disabilities. Brain injury is the most frequent cause of disability and death among children and adolescents in the United States. Each year, over 1 million children sustain injuries with more than 30,000 suffering a serious permanent disability.

Manuel's interest in helping children and others with disabilities began about 10 years ago when he was approached by several organizations about the problems of infant brain injuries caused by shaking. Manuel then decided to form the Family Violence Coalition, which focuses on programs to prevent child abuse.

Most recently and through Manuel's support, the Mayerson Center for Safe and Healthy Children at Children's Hospital Medical Center of Cincinnati was founded to help prevent, identify and treat child abuse and neglect. Manuel also serves as a trustee at Children's Hospital. Outside the Hospital, he has been instrumental in establishing programs like the Inclusion Network, which works to increase acceptance of the disabled, and other important human service programs that help people to overcome limiting conditions.

Manuel continues to serve on a number of boards including: the Cincinnati Children's Hospital; Hebrew Union College; Contemporary Arts Center; Cincinnati Art Museum; and the Freestore/Foodbank. In addition, the Mayerson Foundation, supported by Manuel and his wife, Rhoda, has been most generous to causes that improve the lives of children, people with disabilities, and to community institutions aimed at preserving cultural heritage.

Manuel and Rhoda have three children: Neil, Fred, and Arlene. In addition to the many influences in Manuel's life, Arlene, a civil liberties attorney and one of the architects of the Americans with Disabilities Act, has had a significant impact in shaping his commitment to helping those with disabilities.

All of us in the Cincinnati area congratulate Manuel for his outstanding leadership, service and commitment to improving the lives of others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 5, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 10

2:30 p.m.
Intelligence
Closed business meeting to consider pending intelligence matters.
SH–219

7:30 p.m.
Conferees
Closed meeting of conferees on H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
S–407, Capitol

OCTOBER 11

9:30 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To continue oversight hearings on the Wen Ho Lee case.
SD–226

OCTOBER 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the status of Gulf War illnesses.
SD–124