SENATE—*Wednesday, October 11, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:32 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

PRAYER

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

The Psalmist gives us a timely word for this pressured week, ''Cast your burden on the Lord, and He will sustain you.''—Psalm 55:22.

Let us pray.

Gracious God, we come to You with our burdens. You know that we all carry both personal and professional burdens. Beneath the surface of studied composure, we all have loved ones for whom we are concerned, friends who are troubled, and unresolved problems about which we find it difficult to stop worrying.

At many different levels, we feel the tension of finishing the work of the 106th Congress. The election approaches with additional burdens for Senators running for reelection. Challenges here do not let up, and the problems in the state mount up. Meanwhile, peace of mind is up for grabs as we struggle with differing agendas for the legislation before the Senate.

Lord, could it be that if we all—Republicans and Democrats, Senators and staff—stopped in our tracks and really asked for Your help, You would intervene and help this Senate achieve unity with both excellence and efficiency? In our heart of hearts we know You would, and will, if we ask You with a united voice of earnestness. Dear God, bless this Senate. We relinquish our control and ask You to take charge. It's hard to be willing, but we are willing to allow You to make us willing. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will begin debate on the conference report to accompany H.R. 3244, the sex trafficking victims legislation. I want to start this discussion and debate off with thanking my good friend and colleague, Senator PAUL WELLSTONE. He and I have worked together on this bill the entire year. We have come at this from different points of view. I think we have worked together and come up with an excellent proposal and package. I hope for unanimous support from the Senate.

We got near that in the House, with a vote of 377–1. I have spoken with that one person who deeply regrets voting against us on this bill. It was actually for another provision that was in the bill. This is an important piece of legislation.

The sex trafficking victims legislation is here under a previous order, and there will be up to 7 hours of debate on the conference report we are going to discuss. Senator THOMPSON will raise a point of order against the report and is expected to appeal the ruling of the Chair. Therefore, a vote on the appeal, as well as a vote on adoption of the conference report, is expected to occur during this afternoon's session. The Senate will also consider the VA–HUD appropriations bill and the conference report to accompany the Agriculture appropriations bill, with votes on both expected to occur prior to today's adjournment.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the conference report accompanying H.R. 3244.

The clerk will report the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill, H.R. 3244, an act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I believe under the uniform unanimous consent agreement that we have, time has been allocated to several different Members of the Senate to speak on this conference report; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWNBACK. Mr. President, let me start this debate and discussion with the story of Irina. Irina's story appeared in the New York Times not that long ago, and it is similar to the story of a number of women with whom I have met and who have been caught in this situation of sex trafficking—young ladies I met with in Nepal, and several testified in committee. I think Irina's story tells in graphic detail why this is a problem and why the Senate needs to act.

Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.

She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.

''I own you,'' she recalled his saying. ''You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back.''

That was her master. The article goes on.

It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naive and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.

. . . Many end up like Irina. Stunned and outraged by the sudden order to prostitute

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

herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here [to another place], the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

This is a quote from Irina:

''I don't think the man who ruined my life will even be fined,'' she said softly, slow tears filling her enormous green eyes. ''You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all.''

Then, waving her arm toward a muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: ''I am not the only one, you know. They have ruined us all.''

I ask unanimous consent to have printed in the RECORD the full text of this article.

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

TRAFFICKERS' NEW CARGO: NAÏVE SLAVIC WOMEN

(By Michael Specter)

RAMLE, ISRAEL.—Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.

She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.

''I own you,'' she recalled his saying. ''You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back.''

It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naïve and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.

The international bazaar for women is hardly new, of course. Asians have been its basic commodity for decades. But economic hopelessness in the Slavic world has opened what experts call the most lucrative market of all to criminal gangs that have flourished since the fall of Communism: white women with little to sustain them but their dreams. Pimps, law enforcement officials and relief groups all agree that Ukrainian and Russian women are now the most valuable in the trade.

Because their immigration is often illegal—and because some percentage of the women choose to work as prostitutes—statistics are difficult to assess. But the United Nations estimates that four million people throughout the world are trafficked each year—forced through lies and coercion to work against their will in many types of servitude. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Many end up like Irina. Stunned and outraged by the sudden order to prostitute herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here to Neve Tirtsa in Ramle, the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

''I don't think the man who ruined my life will even be fined,'' she said softly, slow tears filling her enormous green eyes. ''You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all.''

Then, waving her arm toward the muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: ''I'm not the only one, you know. They have ruined us all.''

TRAFFIC PATTERNS: RUSSIA AND UKRAINE SUPPLY THE FLESH

Centered in Moscow and the Ukrainian capital, Kiev, the networks trafficking women run east to Japan and Thailand, where thousands of young Slavic women now work against their will as prostitutes, and west to the Adriatic Coast and beyond. The routes are controlled by Russian crime gangs based in Moscow. Even when they do not specifically move the women overseas, they provide security, logistical support, liaison with brothel owners in many countries and, usually, false documents.

Women often start their hellish journey by choice. Seeking a better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

In Ukraine alone, the number of women who leave is staggering. As many as 400,000 women under 30 have gone in the past decade, according to their country's Interior Ministry. The Thai Embassy in Moscow, which processes visa applications from Russia and Ukraine, says it receives nearly 1,000 visa applications a day, most of these from women.

Israel is a fairly typical destination. Prostitution is not illegal here, although brothels are, and with 250,000 foreign male workers—most of whom are single or here without their wives—the demand is great. Police officials estimate that there are 25,000 paid sexual transactions every day. Brothels are ubiquitous.

None of the women seem to realize the risks they run until it is too late. Once they cross the border their passports will be confiscated, their freedoms curtailed and what little money they have taken from them at once.

''You want to tell these kids that if something seems too good to be true it usually is,'' said Lyudmilla Biryuk, a Ukrainian psychologist who has counseled women who have escaped or been released from bondage. ''But you can't imagine what fear and real ignorance can do to a person.''

The women are smuggled by car, bus, boat and plane. Handed off in the dead of night, many are told they will pick oranges, work as dancers or as waitresses. Others have decided to try their luck at prostitution, usually for what they assume will be a few lucrative months. They have no idea of the violence that awaits them.

The efficient, economically brutal routine—whether here in Israel, or in one of a dozen other countries—rarely varies. Women are held in apartments, bars and makeshift brothels; there they service, by their own count, as many as 15 clients a day. Often they sleep in shifts, four to a bed. The best that most hope for is to be deported after the police finally catch up with their captors.

Few ever testify. Those who do risk death. Last year in Istanbul, Turkey, according to Ukrainian police investigators, two women were thrown to their deaths from a balcony while six of their Russian friends watched.

In Serbia, also last year, said a young Ukrainian woman who escaped in October, a woman who refused to work as a prostitute was beheaded in public.

In Milan a week before Christmas, the police broke up a ring that was holding auctions in which women abducted from the countries of the former Soviet Union were put on blocks, partially naked, and sold at an average price of just under $1,000.

''This is happening wherever you look now,'' said Michael Platzer, the Vienna-based head of operations for the United Nations' Center for International Crime Prevention. ''The mafia is not stupid. There is less law enforcement since the Soviet Union fell apart and more freedom of movement. The earnings are incredible. The overhead is low—you don't have to buy cars and guns. Drugs you sell once and they are gone. Women can earn money for a long time.''

''Also,'' he added, ''the laws help the gangsters. Prostitution is semilegal in many places and that makes enforcement tricky. In most cases punishment is very light.''

In some countries, Israel among them, there is not even a specific law against the sale of human beings.

Mr. Platzer said that although certainly ''tens of thousands'' of women were sold into prostitution each year, he was uncomfortable with statistics since nobody involved has any reason to tell the truth.

''But if you want to use numbers,'' he said, ''think about this. Two hundred million people are victims of contemporary forms of slavery. Most aren't prostitutes, of course, but children in sweatshops, domestic workers, migrants. During four centuries, 12 million people were believed to be involved in the slave trade between Africa and the New World. The 200 million—and many of course are women who are trafficked for sex—is a current figure. It's happening now. Today.''

DISTRESS CALLS: FAR-FLUNG VICTIMS PROVIDE FEW CLUES

The distress call came from Donetsk, the bleak center of coal production in southern Ukraine. A woman was screaming on the telephone line. Her sister and a friend were prisoners in a bar somewhere near Rome. They spoke no Italian and had no way out, but had managed, briefly, to get hold of a man's cell phone.

''Do you have any idea where they are, exactly?'' asked Olga Shved, who runs La Strada in Kiev, Ukraine's new center dedicated to fighting the trafficking of women in Eastern Europe and the countries of the former Soviet Union.

The woman's answer was no. Ms. Shved began searching for files and telephone numbers of the local consul, the police, anybody who could help.

''Do they know how far from Rome they are?'' she asked, her voice tightening with each word. ''What about the name of the street or bar? Anything will help,'' she said, jotting notes furiously as she spoke. ''We can get the police on this, but we need something. If they call back, tell them to give us a clue. The street number. The number of a bus that runs past. One thing is all we need.''

Ms. Shved hung up and called officials at Ukraine's Interior Ministry and the Foreign Ministry. Her conversations were short, direct and obviously a routine part of her job.

That is because Ukraine—and to a lesser degree its Slavic neighbors Russia and Belarus—has replaced Thailand and the Philippines as the epicenter of the global business in trafficking women. The Ukrainian problem has been worsened by a ravaged economy, an atrophied system of law enforcement, and criminal gangs that grow more brazen each year. Young European women are in demand, and Ukraine, a country of 51 million people, has a seemingly endless supply. It is not that hard to see why.

Neither Russia nor Ukraine reports accurate unemployment statistics. But even partial numbers present a clear story of chaos and economic dislocation. Federal employment statistics in Ukraine indicate that more than two-thirds of the unemployed are women. The Government also keeps another statistic: employed but not working. Those are people who technically have jobs, and can use company amenities like day-care centers and hospitals. But they do not work or get paid. Three-quarters are women. And of those who have lost their jobs since the Soviet Union dissolved in 1991, more than 80 percent are women.

The average salary in Ukraine today is slightly less than $30 a month, but it is half that in the small towns that criminal gangs favor for recruiting women to work abroad. On average, there are 30 applicants for every job in most Ukrainian cities. There is no real hope; but there is freedom.

In that climate, looking for work in foreign countries has increasingly become a matter of survival.

''It's no secret that the highest prices now go for the white women,'' said Marco Buffo, executive director of On the Road, an anti-trafficking organization in northern Italy. ''They are the novelty item now. It used to be Nigerians and Asians at the top of the market. Now it's the Ukrainians.''

Economics is not the only factor causing women to flee their homelands. There is also social reality. For the first time, young women in Ukraine and Russia have the right, the ability and the willpower to walk away from their parents and their hometowns. Village life is disintegrating throughout much of the former Soviet world, and youngsters are grabbing any chance they can find to save themselves.

''After the wall fell down, the Ukrainian people tried to live in the new circumstances,'' said Ms. Shved. ''It was very hard, and it gets no easier. Girls now have few and opportunities yet great freedom. They see 'Pretty Woman,' or a thousand movies and ads with the same point, that somebody who is rich can save them. The glory and ease of wealth is almost the basic point of the Western advertising that we see. Here the towns are dying. What jobs there are go to men. So they leave.''

First, however, they answer ads from employment agencies promising to find them work in a foreign country. Here again, Russian crime gangs play a central role. They often recruit people through seemingly innocuous ''mail order bride'' meetings. Even when they do not, few such organizations can operate without paying off one gang or another. Sometimes want ads are almost honest, suggesting that the women earn up to $1,000 a month as ''escorts'' abroad. Often they are vague or blatantly untrue.

RECRUITING METHODS: ADS MAKE OFFERS TOO GOOD TO BE TRUE

One typical ad used by traffickers in Kiev last year read: ''Girls: Must be single and very pretty. Young and tall. We invite you for work as models, secretaries, dancers, choreographers, gymnasts. Housing is supplied. Foreign posts available. Must apply in person.''

One young woman who did, and made it back alive, described a harrowing journey. ''I met these guys and they asked if I would work at a strip bar,'' she said. ''Why not, I thought. They said we would have to leave at once. We went by car to the Slovak Republic where they grabbed my passport. I think they got me new papers there, but threatened me if I spoke out. We made it to Vienna, then to Turkey. I was kept in a bar and I was told I owed $5,000 for my travel. I worked for three days, and on the fourth I was arrested.''

Lately, the ads have started to disappear from the main cities—where the realities of such offers are known now. These days the appeals are made in the provinces, where their success is undiminished.

Most of the thousands of Ukrainian women who go abroad each year are illegal immigrants who do not work in the sex business. Often they apply for a legal visa—to dance, or work in a bar—and then stay after it expires.

Many go to Turkey and Germany, where Russian crime groups are particularly powerful. Israeli leaders say that Russian women—they tend to refer to all women from the former Soviet Union as Russian—disappear off tour boats every day. Officials in Italy estimate that at least 30,000 Ukrainian women are employed illegally there now.

Most are domestic workers, but a growing number are prostitutes, some of them having been promised work as domestics only to find out their jobs were a lie. Part of the problem became clear in a two-year study recently concluded by the Washington-based nonprofit group Global Survival Network: police officials in many countries just don't care.

The network, after undercover interviews with gangsters, pimps and corrupt officials, found that local police forces—often those best able to prevent trafficking—are least interested in helping.

Gillian Caldwell of Global Survival Network has been deeply involved in the study. ''In Tokyo,'' she said, ''a sympathetic senator arranged a meeting for us with senior police officials to discuss the growing prevalence of trafficking from Russia into Japan. The police insisted it wasn't a problem, and they didn't even want the concrete information we could have provided. That didn't surprise local relief agencies, who cited instances in which police had actually sold trafficked women back to the criminal networks which had enslaved them.''

OFFICIAL REACTIONS: BEST-PLACED TO HELP, BUT LEAST INCLINED

Complacency among police agencies is not uncommon.

''Women's groups want to blow this all out of proportion,'' said Gennadi V. Lepenko, chief of Kiev's branch of Interpol, the international police agency. ''Perhaps this was a problem a few years ago. But it's under control now.''

That is not the view at Ukraine's Parliament—which is trying to pass new laws to protect young women—or at the Interior Ministry.

''We have a very serious problem here and we are simply not equipped to solve it by ourselves,'' said Mikhail Lebed, chief of criminal investigations for the Ukrainian Interior Ministry. ''It is a human tragedy, but also, frankly, a national crisis. Gangsters make more from these women in a week than we have in our law enforcement budget for the whole year. To be honest, unless we get some help we are not going to stop it.''

But solutions will not be simple. Criminal gangs risk little by ferrying women out of the country; indeed, many of the women go voluntarily. Laws are vague, cooperation between countries rare and punishment of traffickers almost nonexistent. Without work or much hope of a future at home, an eager teenager will find it hard to believe that the promise of a job in Italy, Turkey or Israel is almost certain to be worthless.

''I answered an ad to be a waitress,'' said Tamara, 19, a Ukrainian prostitute in a massage parlor near Tel Aviv's old Central Bus Station, a Russian-language ghetto for the cheapest brothels. ''I'm not sure I would go back now if I could. What would I do there, stand on a bread line or work in a factory for no wages?''

Tamara, like all other such women interviewed for this article, asked that her full name not be published. She has classic Slavic features, with long blond hair and deep green eyes. She turned several potential customers away so she could speak at length with a reporter. She was willing to talk as along as her boss was out. She said she was not watched closely while she remained within the garish confines of the ''health club.''

''I didn't plan to do this,'' she said, looking sourly at the rich red walls and leopard prints around her. ''They took my passport, so I don't have much choice. But they do give me money. And believe me, it's better than anything I could ever get at home.''

* * * * *

Mr. BROWNBACK. Mr. President, Irina's story is told all too often and is reenacted all too often around the world today. Our Government estimates that between 600,000 and 2 million women are trafficked each year beyond international borders. They are trafficked for the purpose of sexual prostitution by organized crime units and groups that are aggressively out making money off the trafficking of human flesh. It is wrong. This bill seeks to deal with that wrong and that tragedy that has occurred and is occurring around the world today.

This is significant human rights legislation that this body is going to pass. I hope, predict, and pray that it will pass today. It is significant human rights legislation for those poor young victims who are trafficked and who are caught sometimes with the view that, ''I am just stupid, I got caught in this,'' but who live this horrible, hellish life they have been put into and trafficked into and can't find their way out.

The conference report is entitled ''The Victims of Trafficking and Violence Protection Act of 2000.'' As I mentioned previously, it passed the House of Representatives on Friday, October 6, by a vote of 371–1.

The Senate will vote on this conference report today, with the lead underlying bill being the Brownback-Wellstone anti-trafficking legislation. Senator WELLSTONE and I have been working for the last year on this legislation, which is a companion to the

Smith-Gejdenson bill in the House known as the Trafficking Victims Protection Act of 2000.

I want to thank and recognize my staff, Sharon Payt and Karen Knutson, two people who have worked tirelessly and endlessly to deal with this particular issue.

Our anti-trafficking bill is the first complete legislation to address the growing practice of international ''trafficking'' worldwide. This is one of the largest manifestations of modern-day slavery internationally. Notably, this legislation is the most significant human rights bill of the 106th Congress, if passed today, as hoped for. This is also the largest anti-slavery bill that the United States has adopted since 1865 and the demise of slavery at the end of the Civil War. Therefore, I greatly anticipate this vote today in the Senate on this legislation.

Senator WELLSTONE's and my trafficking bill, which passed in the Senate on July 27 of this year, was conferenced to reconcile the differences with the House bill, and the conference report was filed on October 5, Thursday, of last week. The final conference package contains four additional pieces of legislation which are substantially appropriate to our bill. Most significant among those bill amendments is the Violence Against Women Act, known as VAWA, which provides relief and assistance to those who suffer domestic violence in America. Thus, the additional four bills included in this conference report include the Violence Against Women Act. This is a reauthorization of the initial bill which was passed in 1994 as part of the Omnibus Crime Control Act; this legislation renews several grant programs to assist law enforcement officers, social service providers, and others dealing with sexual crime and domestic violence.

Also in this package is Aimee's law, which provides for interstate compensation for the costs of incarceration of early-release sex offenders who commit another sex crime in a second State. It is based on the circumstances of what happened in a Pennsylvania case where a murderer was released early out of a Nevada prison, went to Pennsylvania, and kidnapped and brutally raped and murdered a young girl there who was in the very flower of life and coming forth. This law is built upon that terrible crime that took place in Pennsylvania.

Also in this package is the 21st Amendment Enforcement Act, which allows for State attorneys general to enforce their State alcohol control laws in Federal court, including laws prohibiting sales to minors, which strengthens the grant of authority to States under the 21st amendment to the Constitution; and the Justice for Victims of Terrorism Act, which authorizes the payment of foreign seized assets to American victims of international terrorism.

The last step to adopting this legislative package in Congress rests with the Senate today.

Before I continue describing this urgently needed legislation, I would like to take a few moments to thank some key people who have brought us to this point today. Some of them are in the Galleries as I speak. They are people of heart, courage, and intelligence whose advocacy made a way for this bill—whose dedication pried open the doors and let the light shine into this darkness. Among them is Senator WELLSTONE who started this work long before I came on board. He and his wife, most notably, 3 years ago started advocating on this particular issue. I know he stands firmly and strongly today as one of the principal advocates to set this aside, and he brought this forward and seeks to go forward from here to help those who are victims of these crimes.

I also thank Congressmen CHRIS SMITH and SAM GEJDENSON. I would also like to thank Gary Haugen of the International Justice Mission and Dr. Laura Lederter of the Protect Project at Johns Hopkins University. Dr. Laura Lederter of the Protect Project at Johns Hopkins University is the foremost authority in the country on tracking from where and to where these victims are trafficked.

I have up here one of the maps she introduced of women who have been trafficked out of Russia and Ukraine with the fall of the Soviet Union. With the increased travel out of there to freedom, we have seen a huge amount of trafficking also taking place. These are the routes out of Russia and Ukraine and where they go—to Canada, to the United States, to Mexico, to Europe, to Africa and Asia, to Australia and New Zealand. This is the work of her project.

I also want to thank Michael Horowitz of the Hudson Institute, and Gloria Steinem, whom I am not noted to thank, is part of this coalition; Chuck Colson, Jessica Neuworth, William Bennett, the National Association of Evangelicals, the Southern Baptist Convention, among others I'm sure I'm forgetting. I would also like to thank the staff for both the Senate and House, including Joseph Rees, David Abramowitz, Charlotte Oldham-Moore, Jill Hickson, Mark Lagon, and my staff Karen Knutson and Sharon Payt. Thank you all. We are here today at final passage because of all your efforts.

This legislation is our best opportunity to challenge the largest manifestation of slavery worldwide, known as ''trafficking.'' This practice of trafficking involves the coercive transportation of persons into slavery-like conditions, primarily involving forced prostitution, among other forms of slavery-like conditions.

Trafficking is the new slavery of the world. These victims are routinely forced against their will into the sex trade, transported across international borders, and left defenseless in a foreign country. This bill also addresses the insidious practice known as ''debt bondage,'' wherein a person can be enslaved to the money lender for an entire lifetime because of a $50 debt taken by the family for an emergency. This is a common practice in countries throughout the South Asian region.

People of conscience have fought against the different manifestations of slavery for centuries. This anti-slavery legislation is in the tradition of William Wilberforce and Amy Carmichael of England, who were ardent abolitionists against different forms of slavery. Amy Carmichael was a British missionary to India at the turn of last century, in the early 1900's. Upon arrival, she was mortified to discover the routine practice of forced temple prostitution. This was and continues to be a practice wherein young girls, from age six onward, are dedicated to the local temple, and are then forced into prostitution against their will to generate income. Upon this morbid discovery, Amy Carmichael began to physically steal the young girls away from this incredibly degrading form of slavery, hiding the girls to escape the inevitable backlash of violence. Eventually, the government outlawed this practice of forced temple prostitution, as a result of her efforts. However, it bears noting that this terrible practice continues today, in a lesser degree, in rural villages throughout South Asia, including India.

This bill challenges the myriad forms of slavery including sex trafficking, temple prostitution, and debt bondage, among other forms.

This new phenomenon of sex trafficking is growing exponentially. Some report that it is, at least, $7 billion per year illicit trade, exceeded only by the international drug and arms trade. Its victims are enslaved into a devastating brutality against their will, with no hope for release or justice, while its perpetrators build criminal empires on this suffering with impunity. Our legislation will begin to challenge these injustices.

This is the new slavery of the world, Dr. Kevin Bales of the University of Surrey in England recently testified for us before the Senate Foreign Relations Committee. He astutely observed that the new slavery has a peculiar quality which does not look like the old forms associated with lifetime bondage as a chattel slave, but it is slavery nonetheless.

Sex trafficking is among the most common forms of the new slavery and typically entails shorter periods of bondage, usually asking for 5 to 6 years, or whenever something like AIDS or tuberculosis is contracted, after which the victim is thrown out on the street, broken, without community

or resources, left to die. I have met with people caught in that condition.

Women and children are routinely forced against their will. Sex traffickers favor girls aging in the range of 10 to 13.

I have a number of other things I could say, but my time is limited. I know a number of people want to speak on this bill. I ask to reserve the remainder of my time. I will turn the floor over to Senator WELLSTONE.

I ask unanimous consent on any quorum calls that might be called during the discussion of this conference report, that time be allotted and assessed against all allocated time to speak under the bill, including myself and Senator WELLSTONE, along with Senator BIDEN, Senator HATCH, and Senator LEAHY, who have all been allocated time. I ask the quorum calls be equally divided between those who have time under the bill.

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

Mr. BROWNBACK. I finally note to others who seek to speak on this bill, I invite Members to come to the floor to make comments. At the conclusion of our presentation, a vote will occur on this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Chair.

I thank my colleague, Senator BROWNBACK, for his very gracious remarks. It has been an honor to work with him on this legislation. I think a very strong friendship has come out of this effort. There are some times when we can work and reach out and have the most interesting and I hope important coalition. Working with Senator BROWNBACK, Sharon Payt, and Karen Knutson has been the best legislative work. At the end of the day, I believe today we will pass this legislation. Members can feel they have done something really good. They can make a positive difference. I thank Senator BROWNBACK for his great leadership and his great work for each step along the way. In all the negotiations, all the work that has been done, the Senator has been there. I thank the Senator.

I want to talk about Charlotte Oldham-Moore and Jill Hickson, who have worked with me and our staff, who have done a great job. There are other people who will be on the floor who put this together—especially the Violence Against Women Act—Senator LEAHY, Senator BIDEN, Senator HATCH, and others, and SAM GEJDENSON and CHRIS SMITH have been phenomenal. I thank them for their yeoman work on the House side. I also thank Frank Loy and Harold Koh at the State Department for their work.

The trafficking of human beings for forced prostitution and sweatshop labor is a rapidly growing human rights abuse. It is one of the greatest aspects of the globalization of the world economy. The Victims of Trafficking and Violence Protection Act of 2000 is the first piece of legislation to address the widespread practice of the trafficking of men, women, and children into sweatshop labor and sexual bondage.

My wife Sheila urged me to do something about this problem several years ago. Consequently, she and I spent time with women trafficked from the Ukraine to work in brothels in Western Europe and the United States. They told us after the breakup of the Soviet Union and the ascendancy of the mob, trafficking in women and girls became a booming industry that destroyed the lives of the youngest and most vulnerable in their home countries.

We began work on the bill then, and 3 years later, after extraordinary bipartisan effort, tremendous leadership from Senators BROWNBACK and LEAHY, and SAM GEJDENSON and CHRIS SMITH, and others, it passed the House with a vote of 371–1. Now it is poised to pass the Senate.

Our Government estimates that 2 million people are trafficked each year. Of those, 700,000 women and children, primarily young girls, are trafficked from poor countries to rich countries and sold into slavery, raped, locked up, physically and psychologically abused, with food and health care withheld. Of those, as many as 50,000 immigrants are brought into the United States each year, and they wind up trapped in brothels, sweatshops, and other types of forced labor, abused and too fearful to seek help.

Traffickers exploit the unequal status of women and girls, including harmful stereotypes of women as property and sexual objects to be bought and sold. Traffickers have also taken advantage of the demand in our country and others for cheap, unprotected labor. For the traffickers, the sale of human beings is a highly profitable, low-risk enterprise as these women are viewed as expendable and reusable commodities.

Overall, profit in the trade can be staggering. It is estimated that the size of this business is $7 billion annually, only surpassed by that of the illegal arms trade. Trafficking has become a major source of new income for criminal rings. It is coldly observed that drugs are sold once while a woman or a child can be sold 10 or 20 times a day.

In the United States, Thai traffickers who incarcerated Thai women and men in sweatshops in El Monte, CA, are estimated to have made $8 million in 6 years. Further, Thai traffickers who enslaved Thai women in a New York brothel made about $1.5 million over 1 year and 3 months.

Last year, Albanian women were kidnapped from Kosovo refugee camps and trafficked to work in brothels in Turkey and Europe. Closer to home, organized crime has trafficked Russian and Ukranian women into sexually exploitive work in dozens of cities in the United States of America. Just next door, law enforcement authorities suspected mafia involvement in the gruesome murder of a Russian woman trafficked to Maryland.

All of these cases reflect a new condition: Women whose lives have been disrupted by civil wars or fundamental changes in political geography, such as the disintegration of the Soviet Union or the violence in the Balkans, have fallen prey to traffickers.

Seeking financial security, many innocent persons are lured by traffickers' false promises of a better life and lucrative jobs abroad. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home. However, when they arrive, these victims are often stripped of their passports, held against their will, some in slave-like conditions, in the year 2000.

Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant threat of arrest and deportation, as well as violent reprisals by the traffickers themselves to whom the women must pay off ever-growing debts. That is the way this works.

Many brothel owners actually prefer foreign women, women who are far from help and from home, who do not speak the language, precisely because of the ease of controlling them. Most of these women never imagined they would enter such a hellish world, having traveled abroad to find better jobs or to see the world.

Many in their naivete believe nothing bad can happen to them in the rich and comfortable countries such as Switzerland or Germany or the United States. Others are less naive, but they are desperate for money and opportunity. But they are no less hurt by the trafficker's brutal grip.

Trafficking rings are often run by criminals operating through nominally reputable agencies. In some cases overseas, police and immigration officials of other nations participate and benefit from the trafficking. Lack of awareness or complacency among government officials such as border control and consular offices contributes to the problem. Furthermore, traffickers are rarely punished, as official policies often inhibit victims from testifying against their traffickers, making trafficking a highly profitable, low-risk business venture for some.

Trafficking abuses are occurring not just in far-off lands but here at home in

America as well. The INS has discovered 250 brothels in 26 different cities which involve trafficking victims. This is from a CIA report. This is the whole problem of no punishment—being able to do this with virtual impunity.

In a 1996 trafficking case involving Russian and Ukrainian women who answered ads to be au pairs, sales clerks and waitresses, and were forced to provide sexual services and live in a massage parlor in Bethesda, MD, the Russian-American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the United States voluntarily. There was no charge at all.

Teenage Mexican girls were held in slavery in Florida and the Carolinas, and they were forced to submit to prostitution.

Russian and Latvian women were forced to work in nightclubs in the Midwest. According to charges filed against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat them. This is in our country. The women were told that if they refused to work in sexually exploitive conditions, the Russian Mafia would kill their families. Furthermore, over a 3-year period, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Trafficking in persons for labor is an enormous problem as well. The INS has also worked on cases involving South Asian children smuggled into the United States to work in slavery-like conditions. In one case, about 100 Indian children, some of them as young as 9 or 10, were brought into New York and shuffled around the country to work in construction and restaurants—ages 9 and 10, in the United States; today, in the United States—2000.

Some of the children appear to have been sold by their parents to the traffickers. In Woodbine, MD, a pastor bought Estonian children, ages 14 to 17, promising them they would attend Calvery Chapel Christian Academy, but then forcing them to clean roach-invested apartments and to do construction. The children worked 15 hours a day. The children were threatened and punishments included denial of food and being forced to stand in one spot for prolonged periods.

The bitter irony is that quite often victims are punished more harshly than the traffickers because of their illegal immigration status, their serving as prostitutes, or their lack of documents, which the traffickers have confiscated in order to control the victims.

A review of the trafficking cases showed that the penalties were light and did not reflect the multitude of human rights abuses perpetrated against these women.

In a Los Angeles case, traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes. Nevertheless, the lead defendants received 4 years and the other defendants received 2 and 3 years. That is what they received.

In a tragic case involving over 70 Thai laborers who had been held against their will, systematically abused, and made to work 20-hour shifts in a sweatshop, the seven defendants received sentences ranging from 4 to 7 years with one defendant receiving 7 months.

In another case where Asian women were kept physically confined for years with metal bars on the windows, guards, and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received 4 years and 9 years—in the United States of America, in the year 2000.

I thank Senator BROWNBACK for his work. It is important.

A review of the trafficking cases showed that the penalties were light and they did not reflect the multitude of the human rights abuses perpetrated against these women. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Let me repeat that. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Few State and Federal laws are aimed directly at people who deliver or control women for the purpose of involuntary servitude or slavery in sweatshops or brothels. Consequently, prosecutors are forced to assemble cases using a hodgepodge of laws, such as document fraud and interstate commerce, and accept penalties that they believe are too light for the offense. Up until this legislation, there was no way for the prosecutors to go after these traffickers.

The Victims of Violence and Trafficking Protection Act of 2000 establishes, for the first time, a bright line between the victim and the perpetrator. It punishes the perpetrator and provides a comprehensive approach to solving the root problems that create millions of trafficking victims each year.

This legislation aims to prevent trafficking in persons, provide protection and assistance to those who have been trafficked, and strengthen prosecution and punishment for those who are responsible for the trafficking. It is designed to help Federal law enforcement officials expand antitrafficking efforts here and abroad, to expand domestic antitrafficking and victim assistance efforts, and to assist nongovernment organizations, governments and others worldwide, who are providing critical assistance to victims of trafficking. It addresses the underlying problems which fuel the trafficking industry by promoting public antitrafficking awareness campaigns and initiatives in other countries to enhance economic opportunity, such as microcredit lending programs and skills training, for those who are most susceptible to trafficking, and have an outreach so women and girls as young as 10 and 11 know what they might be getting into.

It also increases protections and services for trafficking victims by establishing programs designed to assist in the safe reintegration of victims into their communities and ensure that such programs address both the physical and mental health needs of trafficking victims.

Imagine what it would be like to be age 12 or 13, a young girl, to go through this. We have, in Minnesota, the Center for the Treatment of Torture Victims. It is a holy place. I have had an opportunity to meet with staff and meet with many men and women who have been helped by this center. These girls, these women, have gone through the same living hell.

This legislation also increases protections and services for trafficking victims by providing community support. Furthermore, the bill seeks to stop the practice—and this is so important. I am sitting next to Senator KENNEDY who has done so much with the immigration work. This bill seeks to stop the practice of immediately deporting the victims back to potentially dangerous situations by providing them with some interim immigration relief. Victims of ''severe forms of trafficking,'' defined as people who were held against their will—''for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery''—would be eligible for a special visa letting them stay in the country at least through the duration of their captors' prosecution, and perhaps permanently.*****-*****- -Name: -Payroll No. -Folios: -Date: -Subformat:

Right now, if you are a Ukrainian girl or woman in a massage parlor in Bethesda, and you step forward to get some help, you are deported. The trafficker is hardly prosecuted. The victim is automatically deported. This provides temporary visa protection.

I will give an example. In a 1996 trafficking case involving Russian and Ukrainian women who had answered ads to be au pairs, sales clerks, and waitresses but were forced to provide

sexual services and live in a massage parlor in Bethesda, MD, 2 miles from here, the Russian American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate his business again in Montgomery County. The women, who had not been paid any salary, were forced into prostitution, and were charged for their housing, were deported.

This legislation toughens current Federal trafficking penalties, criminalizing all forms of trafficking in persons and establishing punishment commensurate with the heinous nature of this crime. The bill establishes specific laws against trafficking. Violators can be sentenced to prison for 20 years to life, depending on the severity of the crime. Yes, if you are trafficking a young girl and forcing her into prostitution, you can face a life sentence. They can also be forced to make full restitution to their victims, paying them the salary that would have been due for their months or years of involuntary service.

This bill requires expanded reporting on trafficking, including a separate list of countries which are not meeting minimum standards for the elimination of trafficking.

It requires the President to suspend ''nonhumanitarian and nontrade'' assistance to only the worst violators on the list of countries which do not meet these minimum standards and who actively condone this human rights abuse. This is a major piece of human rights legislation. This is a major human rights bill.

These are the rare governments which are openly complicit in trafficking people across their borders. It allows the Congress to monitor closely the progress of countries in their fight against trafficking, and it gives the administration flexibility to couple its diplomatic efforts to combat trafficking with targeted enforcement action. Finally, the bill provides three generous waivers.

By passing the Victims of Violence and Trafficking Act today, this Chamber will take a historic step toward the elimination of trafficking in persons.

Thanks to the partnership of Jewish and Evangelical groups, women and human rights organizations, and others, we will take a historic and effective step against organized crime rings and corrupt public officials who each year traffic more than 2 million people into desperate, broken lives of bondage and servitude.

Something important is in the air when such a broad coalition of people, including Bill Bennett, Gloria Steinem, Rabbi David Sapperstein, Ann Jordan, and Chuck Colson work together for the passage of this legislation. I am thankful for their support, I am thankful for the support of the administration, and I am thankful for your support today in seeking to end this horrible, widespread, and growing human rights abuse.

By way of conclusion, I say to my colleagues, starting with Senator BROWNBACK, I believe with passage of this legislation—I believe it will pass today and the President will sign it—we are lighting a candle. We are lighting a candle for these women and girls and sometime men forced into forced labor. I also think because of the work of so many in the House and the Senate, this can be a piece of legislation that other governments in other parts of the world can pass as well. This is the beginning of an international effort to go after this trafficking, to go after this major, god-awful human rights abuse, this horrible exploitation of women, sometimes men, and of girls.

I am very proud of this legislation. I thank my colleague from Kansas. I thank other colleagues as well.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HAGEL). The Senator has 36 minutes remaining.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time. The other part of this legislation that is so significant, and I know colleagues are here to speak about it, is the reauthorization of the Violence Against Women Act. I want to reserve time to speak about that very important piece of legislation. For me, to see both of these bills pass and to see it happen today is one of the best days I can have in the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if the Senator from Massachusetts will withhold for a moment, is my understanding correct that the Senator from Vermont has 3 hours?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, for the information of colleagues, I do not intend to use all that time. At some point, I am going to yield back a considerable amount of time. I know there are Senators on both sides of the aisle who have commitments tonight, some connected with the debates of the two parties' Presidential nominees. It is my hope we will be voting fairly early this afternoon—a vote on the Thompson point of order and final passage.

I yield such time as the Senator from Massachusetts needs, and I ask unanimous consent that I then be able to yield to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I greatly appreciate the absolutely splendid presentation by my friend and colleague, Senator WELLSTONE. I agree with him on so many issues. His statement today was one of his very best. We can certainly understand the extraordinary work he has done, along with Senator BROWNBACK and others, to make sure this legislation is considered. All of us will forever be grateful to him for his leadership in this extremely important area. I certainly am. I thank him for an absolutely splendid presentation.

Mr. President, I'm pleased that the Senate is finally about to pass the reauthorization of the Violence Against Women Act. The current authorization for the Act expired on September 30, and it has taken far too long to bring this important extension to the Senate floor.

A woman is beaten every 15 seconds as a result of domestic violence. Every year, one-third of the women who are murdered are killed by their husbands or partners, and approximately one million women are stalked. Conservative estimates indicate that 60 percent of disabled women, up to 25 percent of pregnant women, and 1 out of 25 elderly people have suffered domestic violence.

This isn't a problem that only affects adults. Each year, 3.3 million children are exposed to domestic violence. In homes where abuse of women occurs, children are 1,500 times more likely to be abused as well. Whether they witness the violence or are actually assaulted by the abuser, many children learn shocking behavior from adults. 12 percent of high school dating couples have suffered abuse in their relationships, and often these teenagers are themselves victims of abuse at home.

Eighteen-year-old Tanyaliz Torres and her mother were stabbed to death by her father in Springfield, Massachusetts. Fifty-eight-year-old Mabel Greineder of Wellesley, Massachusetts was stabbed and bludgeoned to death by her husband. From October 1999 through September 2000, 24 Massachusetts women and children were killed as a result of domestic violence. It is a national epidemic that touches every community in the country.

The Violence Against Women Act was enacted in 1994 to address this problem and provide greater safety and peace of mind for millions of women and their families. The act creates a partnership between the public sector and the private sector at every level—Federal, State, and local. Its goal is to establish a safety net of new programs and policies, including community-based services for victims, a National Domestic Violence Hotline, needed technological assistance, and larger numbers of well-trained law enforcement officers and prosecutors.

The national Hotline gives women across the country immediate access to the help they need. Since its initiation in 1996, it has received over 500,000 calls. When a Spanish-speaking woman in Arizona needed shelter for herself and her three children, the Hotline called a shelter in Phoenix, found a

Spanish-speaking counselor, and gave the caller the counselor's name and directions to the shelter. In the countless cases, the Hotline is an invaluable resource, and we must do all we can to support it.

In Massachusetts, $20 million under the Violence Against Women Act has been awarded to advocacy organizations, law enforcement personnel, and State and local governments. The Wampanoag Tribe of Gay Head received funding to develop and strengthen tribal justice strategies to remedy violent crimes against Indian women and to develop and strengthen services for victims.

The act also supports HarborCOV—Harbor Communities Overcoming Violence—a Massachusetts program serving Chelsea and Greater Boston. In addition to its core services, HarborCOV has an economic development component which helps survivors move from welfare to work. Employment training and employment referrals are also provided to help domestic violence victims find jobs.

The reauthorization will ensure that support for these programs and others will continue. It also includes important new measures, such as transitional housing assistance and a $175 million authorization for shelters, which will be significant additional tools in the battle against domestic violence.

One of the most important provisions in the bill is the Battered Immigrant Protection Act. This provision helps battered immigrants by restoring access to a variety of legal protections undermined by the 1996 immigration laws. The Violence Against Women Act passed in 1994 included provisions that allowed battered immigrants to apply for legal status without the cooperation of their abusers, and enabled victims to seek protective orders and cooperate with law enforcement officials to prosecute crimes of domestic violence.

Unfortunately, the subsequent changes in immigration laws have reduced access to those protections. Thousands of battered immigrants are again being forced to remain in abusive relationships, out of fear of being deported or losing their children. The pending bill removes obstacles currently hindering the ability of battered immigrants to escape domestic violence safely and prosecute their abusers.

It restores and expands vital legal protections like 245(i) relief. This provision will assist battered immigrants, like Donna, who have been in legal limbo since the passage of the 1996 immigration laws. Donna, a national of Ethiopia, fled to the U.S. in 1992 after her father, a member of a prominent political party, was murdered. In 1994, Donna met Saul, a lawful permanent resident and native of Ethiopia. They married and moved to Saul's home in Massachusetts. Two years later, Saul began drinking heavily and gradually became physically and verbally abusive. The abuse escalated and Donna was forced to flee from their home. She moved in with close family friends who helped her seek counseling. She also filed a petition for permanent residence under the provisions of the Violence Against Women Act.

Unfortunately, with the elimination of 245(i), the only way for Donna to obtain her green card is to return to Ethiopia, the country where her father was murdered. The possibility of returning there terrifies her. This legislation will enable her to obtain her green card here, where she has the support and protection of family and access to the domestic violence counseling she needs.

Under this act, battered immigrants will also have up to one year from the entry of an order of removal to file motions to reopen prior deportation orders. The Attorney General may waive the one year deadline on the basis of extraordinary circumstances or hardship to the battered immigrant's child.

This Act will also expand remedies for battered immigrants living abroad with spouses and parents serving in the United States military or other federal positions. Current law only allows battered immigrants residing in the United States to request this relief. This bill will make it easier for these immigrants and their children to escape abusive relationships and obtain the help they deserve.

The legislation also grants the Attorney General the discretion to waive certain bars to immigration relief for qualified applicants. For example, battered immigrant women acting in self-defense are often convicted of domestic violence crimes. Under the 1996 immigration law, they became deportable and are denied relief under the Violence Against Women Act. The Attorney General will be able to use the waiver authority to help battered immigrants who otherwise qualify for relief.

Also, recently divorced battered immigrants will be able to file self-petitions. Current law allows only battered immigrant women currently married to their abusive spouses to qualify for relief. As a result, many abusers have successfully rushed to the court house to obtain divorces, in order to deny relief to their immigrant spouse. This provision will prevent this unfair result and ensure that victims are not wrongly deprived of the legal protection they need.

These and other important measures will do a great deal to protect battered immigrants and their children from domestic violence and free them from the fear that often prevents them from prosecuting these crimes. Congress enacted the Violence Against Women Act in 1994 to help all victims of domestic violence, regardless of their citizenship. It is long past time to restore and expand these protections.

I am also pleased that the legislation includes authorization for increased funds for the National Domestic Violence Hotline. Consistent with last year's funding, the bill authorizes $2 million a year for the hotline and ensures that the Hotline will be an effective source of assistance, providing vital services to women, children, and their families.

A second, equally important part of the bill we are considering today is the Trafficking Victims Protection Act, which condemns and combats the trafficking of persons into forced prostitution or forced labor, a practice that is tantamount to modern day slavery.

Enactment of this legislation will strengthen laws that punish traffickers and ensure protection for their victims—most of whom are women and children.

One of the most important of these provisions expands assistance and protection to victims of severe forms of trafficking, ensuring that they receive appropriate shelter and care, and are able to remain in the United States to assist in the prosecution of traffickers. Relief from deportation is also critical for victims who could face retribution or other hardship if removed from the United States.

Sara, a native of Sri Lanka, was promised a lucrative job as a housekeeper. Upon arrival in the U.S., Sara was virtually imprisoned in her employer's Massachusetts home, and subjected to physical and sexual assault. She bore three children as a result of rape. After 5 years of living in captivity and isolation, she was finally able to escape. This legislation will provide persons like Sara with the protection and rights they need to assist in the prosecution of these despicable crimes.

Finally, this legislation also includes an important provision to provide compensatory damages to Frank Reed and other American citizens who were victims of Iranian terrorism.

In 1986, Frank Reed, of Malden, MA, was kidnapped in Lebanon. At the time, he was a private citizen and president of the Lebanese International School. During his 44-month captivity, he was blindfolded, chained, tortured, and held in solitary confinement for 2 years. His captors periodically fed him arsenic, from which his health still suffers.

In 1990, he was released to Syrian Army intelligence officers in Beirut, who took him to the U.S. Embassy in Damascus. I met him when he returned to the United States after his tragic and traumatic ordeal.

A U.S. judge ordered the Iranian Government to provide Frank Reed and his wife with $26 million in compensatory

damages, but the Government has refused to comply.

Under the legislation we are approving today, the U.S. Government will provide the funding. The amount will be recovered in turn by the U.S. Government from the Iranian Government through a Foreign Military Sales Account that holds $400 million.

Frank Reed suffered immensely at the hands of his brutal captors, and so did his family, and he deserves this compensation.

I strongly support the Violence Against Women Act of 2000, the Trafficking Victims Protection Act, and the Justice for Victims of Terrorism Act. This legislation will ensure that we are doing much more to protect women from violence and abuse, and it deserves to be enacted as soon as possible.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. President, I want to also address the Senate for just a few moments on another matter of importance to families all across this country which is central to their concerns, and that is, what has happened to this Senate's commitment to passing and reauthorizing the Elementary and Secondary Education Act? That legislation is the backbone of Federal participation in helping local communities strengthen academic achievement and accomplishment. We are now going into the final days of this Congress and we still have not reauthorized that central piece of legislation even though we have had strong commitment by the majority party that this was a priority and that we were going to have consideration of this legislation.

We heard a great deal during the recent debates of our two candidates for President and our two candidates for Vice President about education. But our American families are wondering, whatever happened to the Senate of the United States on this issue? The fact is, we are basically AWOL, we are A-W-O-L on this issue. It is the first time in 35 years that we have failed to reauthorize this legislation.

I understand, as we remain here for these final days, that we will have a conference report for agriculture, that we will have a series of appropriations conference reports, but there is no reason in the world we can't go back and complete this legislation in the time that we are in here waiting for the various appropriations bills.

We continue to challenge the Republican leadership to bring this back. There is still unfinished business in education and in the area of minimum wage. There is unfinished business on the Patients' Bill of Rights and on the prescription drug issue.

I want to reemphasize exactly where we are on the issue of the Elementary and Secondary Education Act. These are statements that have been made by the Republican leader, Senator LOTT's promise on education, going back to January 6, 1999. He said:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to U.S. Conference of Mayors, January 29, 1999:

> But Education is going to have a lot of attention, and it's not going to be just words. . . .

Press conference, June 1999:

> Education is number one on the agenda for Republicans in the Congress this year. . . .

Remarks to the U.S. Chamber of Commerce in February of 2000:

> We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

On the Senate floor, May 1, 2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press stakeout, May 2, 2000:

> Question: Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education, I think is the way to go.

We agree with that statement. We still have some time, while we are waiting for the appropriators to conclude their work, where we ought to be bringing this back and having a full debate. We are prepared to do that. We think it can be done.

Senate floor, July 10, 2000:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel very strongly about getting it done. . . . We can work day and night for the next 3 weeks.

Senate floor, July 25, 2000:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

That was on July 25, and we are still waiting.

The fact is, we are failing to meet this central challenge. Our Presidential candidates are talking about the issue of education, but they are talking about it in a vacuum because the Senate of the United States is failing to take up this particular issue which makes such a difference to families, and that is strengthening academic achievement and accomplishment. The fact is that we are in a new world of technology and it is demanding. We have to refocus and re-prioritize the whole issue of education to make sure that it addresses the needs of today's economy and society. This is going to be central in terms of our national debate and discussion. That is what this debate is all about.

What is going to be our involvement in terms of helping families? The fact is that we are absent in this debate because we are refusing to conclude action.

This is what is happening in America. More students are now taking the SATs. 83 percent of four-year colleges use SAT scores as a factor in admission. Increasing numbers of students are recognizing that a college education is the key to success in America. Families understand the importance of taking those tests; children understand it. We want to make sure we are helping those families who have children taking the SATs and those who would like their children to take the SATs.

As depicted on this chart, this is what has happened. From 1995, 42 percent of the children were taking SATs, and it is up to 44 percent in 2000.

More students are also taking advanced math and science classes because they understand that in a highly technological world, with new kinds of demands in terms of technology, they are going to have to do more in terms of math and science courses. We see increases in the number of students taking advanced classes in pre-calculus, calculus, and physics. Young people are doing their share. The real question is whether we in the Congress are going to do ours. The answer comes back that, no, we are not. Look at what has been happening with the SAT math scores. They are higher now than in the last 30 years, and they are continuously moving up. The indicators are all positive. You would not know that listening to Governor Bush last week. We know we are facing challenges across the country, but look at the SAT math scores; they are the highest in 30 years. More kids are taking the SAT, and still the scores are moving up. I think we ought to understand what is happening out there. Some progress is being made.

Now, this doesn't mean that progress is being made in all of the States. That is very important, indeed. Looking at the State SAT averages and progress made since 1997, some States have done much better than others. I am glad my own State of Massachusetts has moved up some 8 points, from an average total SAT score of 1,016 in 1997 to 1,024 in 2000. We have had major educational reforms. We have done many things in our State in terms of smaller class sizes, better trained teachers, and afterschool programs. We are not doing all the things we need to be doing, but we have done a lot. We have also taken advantage of Net Day to try, in a voluntary way, to get good computers in classrooms with well-trained teachers.

We also have found out in this discussion and debate that not all the

States—including the State of Texas—have made progress. It is interesting that actually the State of Texas has declined some 2 points in their average total SAT score since 1997. They dropped from an average score of 995 in 1997 to 993 in 2000. They are also below the national SAT total score average. The national average has gone up 3 points from 1997 to 2000, but the State of Texas has gone down 2 points. That is a 5-point spread. So I think when we listen to these debates about what ought to be done, we ought to try to take with a grain of salt what has been happening in Texas over the period of these last 3 years.

In addition, looking back at the trend over the last 10 years, as I understand it, in SAT verbal scores since 1990, Texas has been 10 points below the national average. By 2000, the gap had grown to 12 points. In math, Texas has been 12 points below the national average. By 2000, the gap has grown to 14 points.

I think we want to have leadership at the national level that is going to bring continued improvement. We know we have challenges. We know we have challenges in urban areas and we have challenges in rural areas. But we also know some of the things that work. The STARS Program, as we have seen in Tennessee, has been very important in terms of enhancing children's academic achievement and accomplishment.

We know what has happened when we focus on getting better teachers in schools, such as in the State of Connecticut. Much of the progress there has been under Republican as well as Democratic Governors. We want to try to find out what has worked in these States and then have an opportunity to try to give general national application to it. But we are effectively being closed out by the Republican leadership from having this debate. That is what families ought to understand across this country.

We are basically being told we can't have a debate here in the Senate on the issue of education. We had 6 days when the measure was before the Senate, and 2 days were for debate only. We had eight votes and one was a voice vote. So that meant seven rollcalls and three of them were virtually unanimous. So we really didn't have much debate and discussion. We had 16 days of debate on the bankruptcy legislation and 55 different amendments on it. So it is a matter of prioritizing.

I dare say we are failing to meet the responsibilities to families across this country who want to have investment in the kinds of educational programs that are going to work and who understand their children are living in a new age of technological challenges. They want to see their children move ahead academically. We have seen that children are prepared to do that. We have seen them taking more difficult courses. They are taking the challenges of SATs. They are prepared to move ahead.

Some of the States are moving ahead boldly, such as North Carolina, in terms of their efforts. But we have to ask ourselves: Where in the world are the Congress and Senate in terms of helping and assisting families in this area? The fact of the matter is that we are AWOL. We have failed to do our homework. If we were students with this behavior, we would be in the principal's office for several hours in discipline.

We are going to continue to talk about this. I see that we now are going to have a continuing resolution that will go into next week. We may go even further. There is no reason in the world we can't use these interludes to take on one of the really important issues for families; that is, the reauthorization of the Elementary and Secondary Education Act.

I thank the Senator from Vermont for yielding time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe under the unanimous consent agreement that I can now yield to the distinguished Senator from California. I ask the Senator from California how much time she would like.

Mrs. BOXER. Between 10 and 15 minutes.

Mr. LEAHY. I yield 15 minutes to the distinguished Senator from California.

So many have worked so hard on this. The distinguished Senators from Massachusetts and Minnesota have spoken already, but especially Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY, and FEINSTEIN have worked so hard.

I yield 15 minutes to the Senator from California.

I ask the Chair how much time is remaining for the Senator from Vermont.

The PRESIDING OFFICER. The Senator has 2 hours 35 minutes remaining.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I thank my friend from Vermont for all his hard work. I thank my friend, Senator WELLSTONE. I thank Senator BROWNBACK. I thank Senator BIDEN and Senator HATCH.

We have a very important bill before us. I think the Trafficking Victims Protection Act sort of stands on its own. I would love to have seen that come on its own because it is a landmark piece of legislation. I felt the same way about the Violence Against Women Act.

That is a landmark piece of legislation. Unfortunately, I think we have issues and pieces of legislation that shouldn't be in here. But that is the way it goes. How you would ever get to the point where you would put an issue that deals with sales of wine on the Internet is beyond me. I don't think people really get what we do here when we take these issues and blend them together. But let's call it the way it is.

The Trafficking Victims Protection Act and the Violence Against Women Act are so important that Members are willing to say, even if they didn't agree with all the appendages, they are willing to go along with them. I am going to make some comments about each piece that is in this legislation.

The Violence Against Women Act is very near and dear to my heart because in 1990 I was over in the House, where I served very proudly for about 10 years, and Senator BIDEN came to me and said: Would you be willing to offer the Violence Against Women Act in the House? He had authored it in the Senate. I was extremely pleased to agree.

The whole issue of domestic violence in our country up until that time was never discussed. It was swept under the rug. Even though we knew it was brutalizing women and children, we didn't have the courage to act. In those early years, it was very hard to get attention paid to violence against women.

I was able in the House to get through just a couple of pieces of that legislation. But it wasn't until I came to the Senate with Senator BIDEN that we really orchestrated tremendous support for the bill. In 1994, we got it through as part of the Crime Act. It has proven itself.

In this particular reauthorization, we will provide $3.3 billion in funding over the next 5 years to protect victims of domestic abuse and violence. We have made tremendous progress. We have seen a reduction of about 21 percent in domestic violence. But still to this day, we have a national crisis that shatters the lives of millions of women across the country and tears at the very fabric of our society.

Reauthorizing these programs sends a much needed message to those who even think about lifting a hand to a spouse or think about lifting a hand to an innocent child that we will not stand silently by and that we in fact will protect those victims of domestic violence.

We know that nationwide nearly one in every three adult women experiences at least one physical assault by an intimate partner. We know for a fact that domestic violence is the leading cause of injury to women age 15 to 44, with nearly one-third of women who are murdered being murdered by a husband or a boyfriend.

Although domestic violence affects both men and women, the overwhelming majority of domestic violence victims happen to be women. That is why a majority of the services authorized under the Violence Against Women Act focus on the unique circumstances of women in abusive relationships.

Again, we have made progress. Since 1994, when the bill passed and President Clinton signed it into law, there has been a 21-percent decrease in intimate partner violence and we have increased battered women's shelters by 60 percent.

I remember in those years when we were battling for this bill, we originally pointed out that there were more shelters for animals than there were for battered women. I am proud to say today we have seen an increase in the number of shelters so we can in fact address the critical needs of victimized women and their children, many of whom have absolutely no place to go and therefore sometimes they are forced to stay in these abusive relationships. Where are they going to go? They will go out on the street if they don't have a loving family to go home to. It is a tragic situation indeed.

The bill ensures that we will be funding a continued increase in these shelters. But we also want to stop the violence before it gets to that. We have STOP grants that provide moneys for rape prevention, and education grants, and a 24-hour national domestic violence hotline which is so important. Women in these circumstances need to have a reassuring voice. They believe sometimes that no one cares about them; they are all alone. If they can dial that hotline and get professional help, it makes all the difference in the world.

This bill will strengthen law enforcement efforts to reduce domestic violence by requiring the enforcement of other States' protection orders as a condition of funding for some of the grants. In other words, if you have a batterer who tries to escape prosecution by going across State lines, we address this issue.

This is very important. I want to talk about the children. We talk about battered women, but we know—this is an incredible fact as we look at the causes of violence in society, and we are right to look everywhere in the society—we need to understand if a young boy sees his father beat his mother, that child is twice as likely to abuse his own wife than the son of a nonviolent parent. If a child, particularly a young boy, sees a father beat a mother, he is twice as likely to abuse his own spouse.

We know 10 million children every year are exposed to domestic violence. More alarming even than that is the fact that 50 percent to 70 percent of those men who abuse their female partners also abuse their children. It becomes a way of life and a way of communicating for which we should have zero tolerance. These abused children are at high risk for violent, delinquent behavior. The National Institute for Justice reports that being abused as a child increases a child's likelihood of arrest as a juvenile by 53 percent. We know even when they are young they are more apt to be arrested and get in trouble. We know when they are adult and they marry they are more likely to abuse a spouse.

When we talk about the Violence Against Women Act, we are not talking only about women. We are also talking about the children. If there is anything we can do in this hallowed hall of the Senate, it is to protect children. We have the Safe Havens for Children Pilot Program; we have victims of child abuse programs funded; we have rural domestic violence and child abuse enforcement grants. This package also includes training for judges and court personnel. We also, for the first time, look at battered immigrants, which is a very important issue, because we sometimes have people coming here who don't understand their rights. They need to understand their rights, that their bodies don't belong to anyone else, and they have a right to cry out if they are abused.

There are many other programs reauthorized by the Violence Against Women Act, such as those to combat sexual assault and rape, transitional housing, and civil, legal assistance. Again, a lot of these folks don't understand their legal rights. We provide grants to counsel them. We include protection for older and disabled women.

It is hard to even imagine an older woman in our society or a disabled person being victimized. Is there no rule that would say to every human being that there has to be respect? Unfortunately, in some cases, these rules don't penetrate. So we have to get tough and make sure that we prevent this. However, if it happens, we will crack down.

Again, I thank Senator JOE BIDEN for his work. It is very important.

Also, a judgeship that is being held up is the nomination of Bonnie Campbell to the U.S. Court of Appeals for the Eighth Circuit. One might ask what it has to do with the Violence Against Women Act. The fact is, Bonnie Campbell has been the first and only Director of the Violence Against Women Office in the Department of Justice, and her nomination is being held up because of partisan politics in the Senate. Here is a woman who paved the way for the Violence Against Women Act, ensuring it was successful, and she is a perfect person to be a judge. She was the attorney general in Iowa for many years. Her achievements and qualifications are obvious. If we really care about the Violence Against Women Act, and I believe we do, then I believe we will have an overwhelming vote, hopefully a unanimous vote. Then we ought to look at one of the people who has made this act such a success. What a wonderful tribute it would be to the women of America to make Bonnie Campbell a judge.

I join with Senator HARKIN on this because I know he has been quite distressed that such an excellent nominee has had a hearing, but her nomination has not come out of committee. We know of no one who is opposed to Bonnie Campbell. I think it would be a fitting tribute to the women of America to bring her nomination quickly to the floor.

I appreciate the work of Senator WELLSTONE and Senator BROWNBACK on the Trafficking Victims Protection Act. We know that some of these victims have been subjected to the most horrific lives, including rape, sexual abuse, torture, starvation, and imprisonment. The selling of naive and desperate women into sexual bondage has become one of the fastest growing criminal enterprises in the global economy. It is hard to understand how this could happen. But when people are in a strange land and are frightened, they look to others to protect them when they really want to hurt and harm them. This legislation authorizes $94 million over 2 years to stop this abhorrent practice.

At the beginning of my remarks, I talked about sometimes attaching bills to other bills that make no sense. I am sad to say this has the alcoholic beverage sales attached to it. I am very sorry for the small wineries in my State. I tried to protect them. I will have some kind of a colloquy with Senator HATCH on this. Half of our 900 wineries in California are run by families. They don't have big, elaborate distributors; they don't have a big distribution. Because of this they will need to sell their product on the Internet. I have nothing against the way wine is distributed, but the new technologies will make it possible for our many wine sellers to sell directly to consumers without the need to go through a middleman or middle person. I think it is sad that we have attached this because these very small family-owned wineries may well suffer.

I am going to be working with my colleagues. I know Senator LEAHY is quite sympathetic to this. We want to make sure there are no negative impacts from this legislation. We think there will be. But we are going to follow this very closely.

The excuse given is, we will stop kids from buying on the Internet. That is a legitimate point. But we recommended a solution dealing directly with preventing underage drinking, and it was not accepted. In my heart of hearts, I believe this is a special interest piece of legislation to protect the distributors. It doesn't do anything to protect young people from buying liquor. I think it is a sad day for our small wineries that are trying hard to survive in California.

In conclusion, I again thank Senator LEAHY for this time. It is a wonderful day. We finally got this Violence Against Women Act reauthorized. We are going to put an end, hopefully, to

the sex trafficking. It is a good day for the Senate.

I only hope we will heed the words of Senator KENNEDY now and get on with education, get on with prescription drugs, and get on with the real Patients' Bill of Rights. Let's do our work. We can do our work. The American people want us to do it. The way the procedure is going now, we have no chance to offer amendments on education or health care. It is a shame.

I yield my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with the distinguished Senator from California on Bonnie Campbell. As the one who has brought life into the Violence Against Women Act, it is remarkable that she cannot even get a vote in this Chamber on her judicial nomination.

I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a vote, up or down, within 60 days. I urge in the time remaining in this session that he, as the head of his party, as their Presidential nominee, call the Republican leader of the Senate and say that all of these women, all of these minorities, in fact, all of the people who have been sitting here for well over 60 days waiting for a vote on their nomination, let them have a vote. Vote for them or vote against them. Bonnie Campbell deserves a vote. My guess is the reason she has not been brought for a vote is they know at least 80 of the 100 Senators would vote for her. It would be impossible to justify a vote against her because of her extraordinary qualifications.

Again, if Governor Bush is serious when he says have a vote within 60 days, pick up the phone, call the Senate majority leader, reach him at the switchboard, 202–224–3121, and ask him to bring her to a vote. It is a very easy thing to do.

I agree with the Senator on the Internet alcohol bill. That was included over my objection. It is unnecessary. It is dangerous to e-commerce. Adding Internet sales on alcohol demeans the issue of violence against women and sex trafficking that this bill is all about. It is demeaning to what is a good bill.

Mrs. BOXER. I thank my friend for his comments on all fronts. Regarding his last comment, he is so right. When I first learned there was a move to attach this bill to the Violence Against Women Act, I was absolutely stunned. People have to watch what we do here. They understand, unfortunately, that the special interests still have a lot of influence. This is one case where they had too much influence. As my friend knows, we tried to work this so we could address the issue of juveniles buying liquor from the Internet, which everyone agrees is a terrible thing. This hurts our small wineries—let's call it the way it is—in favor of the big distributors.

But on the Bonnie Campbell point, I particularly want to say to my friend how much I have appreciated his leadership on these judicial nominations. I say today we would not have had even the meager number that we have had without his leadership and his pointing out, over and over again, that women and minorities are getting second-class treatment here.

I ask my friend if he would recount, briefly, the study he had quoted many times, showing that women and minorities take about 3 months longer, on average, to get through; just his comments on how it always seems we are here fighting for women or a minority. It does not seem as if we have to fight that hard for the white male.

Mr. LEAHY. If the Senator will yield, the study was done by the non-partisan Citizens for Independent Courts. In fact, the former Republican Congressman from Oklahoma, Mickey Edwards, co-chaired that study. They found, without taking sides and without taking political stands, that women and minorities took longer to be confirmed by the Senate. Unfortunately, a lot of those women and minorities are not even getting a vote.

Again I say if Governor Bush means it, pick up the phone and call 202–224–3121; ask the Senate switchboard to connect him to the Republican leader and say: You know, I have made it a tenet of my campaign that the Senate should vote on a nomination within 60 days. You can bring every one of these people to the floor for a vote, up or down, today. Let's do so. Who knows. We will find out how the Senate feels about them. Are they for them or are they against them? Right now, instead of voting yes or no, we vote ''maybe,'' by having one or two Senators in the dark of night put holds on these people.

I see the distinguished Senator from Washington State, who has been one of the great leaders on the issue of violence against women, on sex trafficking, and on these other issues. I ask her, how much time does the Senator from Washington require?

Mrs. MURRAY. Ten minutes.

Mr. LEAHY. We yield 10 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Vermont for his comments. I am looking forward, hopefully, to him chairing the Judiciary Committee next year; so that women such as Bonnie Campbell are not held up for months on end and we actually have a chance to put good, qualified women and minorities into judiciary positions in this country.

I also thank the Senator from Vermont for his tremendous work on the Violence Against Women Act, bringing us to a point today where we are finally going to have a vote on this bill, despite the fact there are other parts of this bill that I do not believe should be attached to it. I appreciate his efforts because this is an extremely important bill.

I have come to the floor to express my strong support for reauthorizing the Violence Against Women Act and to endorse the pending conference report. In communities across America, the Violence Against Women Act has been an overwhelming success. It has empowered women and children to escape violent relationships, and it has helped to put abusers behind bars. On every account, the Violence Against Women Act deserves to be reauthorized. I urge my colleagues to support this vital legislation.

It is unfortunate that reauthorization was allowed to lapse this past month, but I am pleased the Republican leadership has finally agreed that reauthorization must be a priority. I wish we had reached the conclusion earlier in this session.

This subject deserves a much more open and extended debate than has been allowed, but I want to take full advantage of the opportunity before us, the chance to reauthorize and strengthen the Violence Against Women Act. VAWA has been nothing short of historic.

Not long ago, domestic violence was considered a private family matter. That perception made it very difficult for women to get help and for communities to confront domestic violence. But all of that changed in 1994. I am very proud to have worked to pass the Violence Against Women Act because, for the first time, our Nation recognized domestic violence for what it is—a violent crime and a public health threat.

Through the Violence Against Women Act, we created a national strategy for dealing with violence against women. Today, looking back, it is very clear just how revolutionary the act was. For the first time, it established a community-wide response, bringing together cops and prosecutors, shelters and advocates and others on the front lines of domestic violence. It authorized programs to give financial and technical support to police departments to focus on domestic violence and to encourage arrests. It recognized and supported the essential role of the courts in ensuring justice. It provided funding for battered women's shelters and for programs that address the public health impact of domestic violence.

VAWA authorized funding for the Centers for Disease Control and Prevention, for Rape Prevention and Education, and it helped establish a national toll-free hotline for victims of domestic violence. Today, 1–800–799–SAFE offers battered women immediate help. In fact, every month, that

hotline receives more than 13,000 calls. Back in 1994, some people wondered whether this unprecedented national strategy would work. Today, 6 years later, the facts are in and it is clear that the Violence Against Women Act has been a success. Arrests and convictions are up. We have more than doubled funding for battered women's shelters. Since 1994, we have appropriated close to $2 billion for VAWA-related programs.

As a member of the Senate Appropriations Committee, one of my highest priorities has always been increasing funding for the Violence Against Women Act programs. In communities throughout my State and others, the need is overwhelming, and funding makes a dramatic difference. Working with the chairman of the Subcommittee on Labor, HHS, and Education of the Senate Appropriations Committee, I have seen funding for shelters climb from $10 million to more than $100 million. I know Senator SPECTER has been a strong advocate for the Violence Against Women Act programs. I am pleased that VAWA has always been a bipartisan issue in appropriations.

While we have much to be proud of today, we cannot forget that abuse is still too common. In Washington State, my home State, the toll-free domestic violence hotline received more than 37,000 calls between July 1998 and July 1999. We cannot forget that there are still too few resources for women in need. In my State during that same period, 23,806 women and children were turned away from shelters—turned away as they sought help because the resources were not there.

We cannot forget that not all communities offer a full range of services, and not all police departments are equipped to handle a life-threatening domestic violence call.

The truth is, while the Violence Against Women Act was a historic first step, it was just that, a first step. The time has come for us to build on the foundation created by that act. VAWA offered an immediate response to the threat of violence. Now it is time to address the long-term issues. It is time to confront the long-range economic barriers that trap women and children in violent relationships.

I have worked with Senators WELLSTONE and SCHUMER to write and introduce the Battered Women's Economic Security Act. This legislation tears down economic barriers and breaks the cycle of violence. Our bill deals with employment discrimination, insurance discrimination, housing assistance, legal help, and child care. It addresses the punitive elements of the welfare system that can penalize women who are fleeing dangerous situations. It provides additional help to shelters and providers to meet the overwhelming needs of battered women and children.

I had hoped we would have been able to reauthorize the Violence Against Women Act in a timely manner and move to addressing those economic issues that I have outlined. Unfortunately, we cannot have that debate today or in this session of Congress. But let me assure my colleagues we will be back in the 107th Congress to fight to put these powerful tools in the hands of victims and their advocates.

Before I conclude, I want to say a special word of thanks to the many people who have helped us reach this point today.

I thank, again, Senator LEAHY and Senator BIDEN for their leadership. They worked very hard to bring a bipartisan bill to the floor today.

I also thank all of the advocates who fought so hard to ensure the success of the Violence Against Women Act and who have been aggressive in urging this Congress to act. Without their support in our communities, VAWA would never have been a success.

I thank the Washington State Coalition Against Domestic Violence for its dedicated work.

I thank all of the advocates, police officers, and community leaders with whom I have worked since 1994 to implement VAWA and to strengthen this important act.

I thank the many shelters and organizations that have opened their facilities to me during this session of Congress, including the Tacoma-Pierce County YWCA, Kitsap Special Assault Victims Investigative Services in Bremerton, the Bellingham YWCA, the Vancouver YWCA Domestic Violence Day Care Shelter, the Spokane Domestic Violence Consortium, the Spokane Women's Drop-In Center, and the people at Vashon Island Domestic Violence Outreach Services.

As I have visited with them, I have seen firsthand the services they offer and the challenges they face. I have spoken personally with women who have had their lives changed because of the services offered, and I have been impressed by the progress they are making day in and day out. Those experiences have strengthened my determination to support their work in the Senate.

In closing, it is clear the Violence Against Women Act has been a remarkable success. We cannot delay authorization any longer, and I urge my colleagues to vote for this measure. I look forward to working with those in the Senate and those in my State to help build on the progress of the Violence Against Women Act in the next session of Congress.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 55 minutes 35 seconds.

Mr. LEAHY. Out of the 3 hours? We have not been in session 3 hours, Mr. President. The Senator from Vermont had a total of 3 hours. We went into session less than 3 hours ago.

The PRESIDING OFFICER. If the Senator will indulge, we will recalculate.

Mr. LEAHY. I thought there might be more. You have to watch out for that fuzzy math.

The PRESIDING OFFICER. The Senator from Vermont has 1 hour 55 minutes remaining.

Mr. LEAHY. That sounds a little closer to it. I am going to be reserving time for my own speech, but I have been withholding giving a speech because other Members on our side want to speak. I see the distinguished Senator from Maryland. I yield 5 minutes to the distinguished Senator from Maryland, my good friend.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I hope today the Senate will pass legislation to improve the lives of women in America and around the world and protect them from predators.

Make no mistake, when people commit crimes, they never commit crimes against people who are bigger, stronger, or have more power than they. They always go after the weak, the vulnerable. One can be weak either in physical strength or weak because one does not have the same size weapon.

Today we have two pieces of legislation pending: One, the reauthorization of the Violence Against Women Act, and the other will break new ground to protect women and children who are bought and sold around the world as if they were commodities. They are victims of predatory behavior.

By passing this legislation, we are going to protect them. Women in their own homes are often victims of violence. Mr. President, 900,000 women last year were battered in their own homes.

The Violence Against Women Act says we will not tolerate violence, whether it is in the home, in the neighborhood, or on a street corner.

I thank Senator LEAHY and Senator BROWNBACK who have been working on this legislation, along with Senator JOE BIDEN. We appreciate the support and leadership of the good men here.

We want to be sure that through this legislation, we are going to not only prevent violence but help women rebuild their lives. The Violence Against Women Act works through domestic violence programs at the State level, works with law enforcement, and works in treatment programs for those who were the abusers. I hope we pass this legislation.

The second part is legislation that will also be a hallmark. It is the Sexual Trafficking Victims Protection Act. Girls as young as 10 years old are kidnapped from their villages and taken to

brothels or sweatshops where they are imprisoned, forced to work as prostitutes, beaten, threatened, and even drugged into submissiveness. They prey upon women in the poorest regions of the world.

In addition, in central and southern Europe, with the collapse of the old economy, women from very poor villages are lured by fraudulent scam predators into thinking they are going to work in the West and are going to work in the hospitality industry. You bet it's hospitality. It is called turning them into whores.

I say to my colleagues, that is not what the free world and free economy should be about. We want to make the trafficking in women and children as criminal as the trafficking in illegal drugs. Guess what. Often the same scum who traffic in women are also the ones who traffic in drugs and traffic in illegal weapons of mass destruction.

I support and applaud the efforts of the Senator from Kansas who has taken the leadership in this area. He has visited Asia and has seen the recruitment and despicable circumstances under which young girls and children are forced to work. From briefings here, we know this is going on in the Balkans, out of Ukraine, and out of Poland. Many are brought into this country under false pretenses with phony visas. We have to stop the trafficking of women around the world.

This is very good legislation.

It will improve the lives of women in America and around the world. By passing the Violence Against Women Act, we are helping the victims of domestic violence to rebuild their lives. By passing the Trafficking Victims Protection Act, we are protecting women and children who are bought and sold, and forced into slavery.

Again every year, more than 900,000 women are victims of violence in their own homes. Every second, 20 women are battered. The Violence Against Women Act says we will not let violence threaten women, families, or communities.

Violence against women is not just a threat to the health and safety of women. It is a threat to the health and safety of families and our communities.

No woman in this country should live in fear. No woman should fear walking home at night. No woman should fear leaving a campus library. No woman should fear that her husband or boyfriend will hurt her or her children.

We will not tolerate it—not in Maryland, where 41 women were killed by domestic violence last year; not anywhere in America, where 4 women a day are killed by domestic violence.

The Violence Against Women Act supports programs that help women to rebuild their lives. It strengthens law enforcement's response to domestic violence. It gives legal assistance to victims of domestic violence, and it creates safe havens for women and children who are victims of domestic violence.

The Violence Against Women Act will protect thousands of woman throughout the country. Today we are also taking steps to protect women throughout the world—by passing the Sex Trafficking Victims Act.

The truly repugnant practice of trafficking in human beings affects between one and two million women and girls each year. As I have stated, girls as young as ten years old are kidnaped from their villages. Or unsuspecting families allow their daughters to leave—with promises of good jobs and better lives. These women are taken to brothels or sweatshops—where they are imprisoned. They are forced to work as prostitutes. They are beaten, they are threatened—and many are killed. Even if a woman escapes, she is often so afraid of retaliation that she will not testify against her abductors.

Organized, international criminals are responsible for the increase in trafficking. They prey on young women in the poorest regions of the world. They take advantage of the most vulnerable—who live in developing countries with poor economic and uneven law enforcement.

Most countries have no way of dealing with this sophisticated form of international crime. Many countries where trafficking is most prevalent lack the laws and law enforcement authority to handle the problem. To often, when local authorities catch traffickers, the women get the brunt of the punishment for prostitution—while traffickers face minor penalties.

That is why this legislation is so important. It focuses on prevention, protection, and support for victims, and prosecution of traffickers. It recognizes that trafficking is a global problem that requires an international solution.

To prevent trafficking this legislation raises the awareness of the problem in villages and countries. It educates potential victims by promoting anti-trafficking awareness campaigns and by authorizing educational and training assistance to international organizations and foreign governments. It also requires the Secretary of State to report on the severe forms of trafficking in persons in the annual country reports.

To strengthen prosecution, this legislation provides local authorities with the tools to crack down on traffickers.

To support the victims of trafficking, this legislation directs funds for international organizations that help these women to rebuild their lives. They are given a safe haven where they can recover. They are provided with education, training, and microloans.

This legislation also recognizes that trafficking is not just a foreign problem. Approximately 50,000 women are brought to the United States each year where they are forced into prostitution or other servitude. This bill toughens current Federal trafficking penalties by doubling the current maximum penalties for traffickers to 20 years imprisonment with the possibility of life imprisonment. It also changes immigration law to help victims of trafficking. This will stop the practice of deporting victims back to potentially dangerous situations.

We want this century to be one of democracy and human rights. We will not achieve this unless everyone, including the worlds' poorest women, is able to control their own lives. This means education, economic development, family planning and civic institutions that protect the rights of women. The legislation we are passing today will take us closer to achieving these goals. I urge my colleagues to join me in strongly supporting the Violence Against Women Act and the Sex Trafficking Victims Act.

In conclusion, 4 years ago, I was a victim of violence. I was coming home from dinner with a wonderful professor who was an economic adviser to me and was here for a conference. I got her to her hotel. As I stepped out of my car, zam, I was mugged. I lost my handbag. I had a severe injury to my hand. I tried to fight him off, but he was over 6 feet, and I am under 5 feet. Fortunately, I escaped with my life. All I had was a broken memory and shattered security in my own neighborhood.

Thanks to the success of the Baltimore Police Department and the pressing of charges and the willingness not to plea bargain, that man is doing time while I hope I am out here doing good. I want to be sure the streets of America are safe. I have an entire Baltimore community on my side, including the informants. Not every woman has that. Let's try to get them the resources they need to be safe in their homes and communities. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I recall very well the incident of which the Senator from Maryland speaks. I am pleased this is a case where the perpetrator was arrested and prosecuted.

One of the things I learned in my years as a prosecutor is that too often nobody wanted to pursue those cases. All that meant, of course, was that somebody else would be a victim. In this case, it was the Senator from Maryland. But from my experience, had the person not been apprehended, not been convicted, then someday it would be somebody else. So I commend the people of Baltimore who rallied to her. At least out of that sorry thing there was adequate prosecution. But we have so much violence against women that we never see.

I recall so many times police officers seeing a badly battered woman, and

where we would bring prosecution, but as I talked to her, I would find this had happened several times before in a domestic situation and that they had gone to law enforcement, and others, and had been turned back where nothing had been followed up on. We had a very aggressive program in my office where we would follow up on it. I have to think there are a number of deaths, though, that have occurred and do occur in places where it is not followed up on.

This is something you do not see in the sunny ads and the perfect homes and domestic situations that we see on our television. The fact is, there are a lot of places in this country where there is enormous violence against women.

I would add to the comments of my colleague, it goes across every economic strata, it goes across all social strata. This is not one thing that is just in poor neighborhoods or just in one ethnic group or another. This goes across the economic strata. It goes across good neighborhoods and bad neighborhoods, large families and small families. But, unfortunately, many times it never comes to the attention of law enforcement. Regrettably, sometimes when it does, it is not followed up on. This act, itself, will help focus the attention of law enforcement on this.

Mr. President, the Senator from New Jersey had asked to speak, and I know the Senator from Louisiana wishes to speak.

Mr. BROWNBACK. Mr. President, if I could say before my colleague from Maryland leaves the floor, I thank her for her leadership on this Violence Against Women Act and for her statements on the sex trafficking bill. I look forward to working with her on both issues as we move forward. Hopefully, this will be cleared through the Senate and signed into law and we can take more actions and steps down the road to see that people are cared for in these terrible situations. I do appreciate her comments and her support. I thank the Senator.

I apologize for the interruption.

Mr. LEAHY. The Senator from Kansas does not have to make any apologies with all the work he has done on this. I appreciate him being here.

I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I join with the others in thanking our colleague from Vermont, Senator LEAHY, for his leadership in this area and, of course, Senator BIDEN and other Senators who have spoken this morning on this important subject.

I want to follow up with what Senator LEAHY just said by sharing with him, and with all here, an unfortunate story that appeared recently in a newspaper out of Maryland where a 44-year-old man was convicted of raping an 18-year-old girl who was unconscious from drinking.

Unfortunately, this judge is one of many judges, or at least too many—the number is too high—who are ignorant and uninformed. He said on the record in this particular case: ''Finding an unconscious woman is a dream come true to a lot of men.''

Finding an unconscious woman is a dream come true to a lot of men.

I will submit this judge's name for the RECORD and will be writing him a personal letter, asking him, if he did make this statement which was reported, that he resign his seat immediately.

That is part of the problem we have in this Nation. The Senator from Vermont, as a former prosecutor, understands this well, that this problem is pervasive. It is a real shame in America—this country of freedom and order and democracy—that we still have a severe and serious problem of domestic violence.

Sometimes our Nation takes that extra step and goes that extra mile to stop violence on the street and to continue to support our police officers. Yet when it comes to stopping violence in our own homes, our Government falls short in terms of funding, in terms of research, in terms of education.

That is the hope that this act brings. It is to help move judges such as this off the bench; so when he is up for reelection, there is some education in the community that would force his either resignation or moving him off the bench through the election cycle.

There are prosecutors around the Nation, some of whom are more enlightened than others. But I will tell you of two in my State who are doing an outstanding job on this subject: DA Paul Connick from Jefferson Parish and DA Walter Reed from St. Tammany Parish.

We have many excellent DAs. But in the last few years, many of these DAs—99 percent of whom, I would imagine, in the Nation are male and who perhaps do not come to the subject from a very personal point of view—have been really educated because of the good work that has been done in this Congress and with groups all around this Nation.

These two particular DAs have instituted a very progressive policy which is basically a no-drop policy, which means that if a battered woman comes in to file a charge, the DA takes it upon himself, and basically the State and the county and the parish, even if she begins to back down because her self-esteem is not as strong as it should be, or she is understandably frightened, or she has been threatened if she does not drop the charges, to simply tell the abuser, when he comes in for his interview: I am sorry, we refuse to drop the charges. This is against you and me, buddy, basically, and we are going to see this to the end, where you can get the punishment coming to you.

They are really being very aggressive. I hope if other district attorneys or other staffers or folks and other elected officials are tuning in today, they will encourage district attorneys all over this Nation to take up the no-drop policy, because getting abusers convicted, getting them punished, and then getting them the right treatment for this is the only way we are going to stop this terrible tragedy from occurring.

There are so many things I could say about this subject, but I do think our leaders realize it is about education; it is about district attorneys; it is about judges, it is about the court system; it is not just about shelters and counseling and aid, which is so important. This is the first step, giving women a safe place to go, giving children a safe place to go. Our justice system must work for them. That is why this bill is so important.

My colleague from New Jersey is waiting to speak on the same subject. I thank Senator LAUTENBERG for his great leadership in this area. But let me just for the record read some recent headlines.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEAHY. Mr. President, I yield the Senator 2 more minutes.

Ms. LANDRIEU. I thank the Senator.

Mr. President, let me read some recent headlines from our national newspapers because the Senator was making an earlier point that I agree with, that this isn't just in poor neighborhoods; this isn't just in neighborhoods of people who have recently come to this Nation; this isn't about people who have not had a good education; this affects everyone in all walks of life.

''Popular Romance Novelist Shot and Killed by Estranged Husband,'' an AP story from June 1999.

''Tommy Lee goes to jail for Wife Abuse,'' from USA Today, in May 1998.

''Colorado Rockies Pitcher Arrested on Suspicion of Punching Pregnant Wife in Face,'' from the Washington Post, August 1999.

''Number of Women Dying from Domestic Violence Holding Steady Despite Drastic Drop in Overall Homicide Rates,'' San Francisco, February 1998.

Mr. President, we have to do a better job. We have to continue on this track. Violence has no place in our society—on our streets, on our playgrounds, or in back alleys. But it most certainly has no place in our homes where children grow up. If a home can't be safe, if a home can't provide peace for a child or a woman, as a person, where can they find peace, Mr. President? That is what this bill is about.

I think it is appropriate that the Violence Against Women Act will be passed with the Trafficking Victims Protection Act. It says that we understand that violence against women is a world wide problem.

In passing the Violence Against Women Act in 1994 we seized the opportunity to be a world leader—to take the stand that in the greatest democracy in the world it is unacceptable that such violence occurs.

We have spent $16 billion on programs on education, assistance and prosecution. We must continue.

Every 5 minutes a woman is raped. Every day four women die as a result of domestic violence.

More women are injured by domestic violence than by automobile accidents and cancer deaths combined.

We have made progress but there is more to be done.

Here are some of the other statistics from that Tulane study:

More than eight of ten knew someone who had been murdered;

More than half had witnessed a shooting;

43% said they had seen a dead body in their neighborhood; and

37% of them were themselves victims of physical violence.

If we think that violence is something that only affects other countries we must think again. If we think that a bill like the violence against women's act only affects women we are wrong.

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.

Last week I told you about a woman from my State, Jacqulene Gersfeld, who was gunned down by her husband outside a courthouse just moments after she filed for divorce.

The VAWA reauthorization includes a provision to expand the investigation and prosecution of crimes of violence against women.

The need for this is great 85% of all reported rapes end up with no conviction. Almost 90% result in no jail time.

In Baltimore, MD, a 44 year old man was convicted of raping an 18 year old girl who was unconscious from drinking. The judge in the case said the following on the record: ''Finding an unconscious woman is a dream come true for a lot of men.'' And so he sentenced him only to probation.

Mr. LEAHY. Mr. President, I yield 10 minutes to the distinguished senior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I thank my colleague, Senator LEAHY, for helping us get an addition to this legislation that we think is critically important. I also extend my thanks to Senator BROWNBACK of Kansas for his assistance in enabling us to get our particular section of this bill into place.

Mr. President, a light comes as a result of the fact that we have our female colleagues with us in this Senate. How hard they work to get things done on both sides of the aisle. What a difference it has made in the way we operate. Many of us were here before there was a reasonable presence of women—and it is not yet ''reasonable''; I will strike that word. But that will change in time. We are getting there. They have helped to bring to the consciousness of all America the kinds of abuses that are perpetrated against women and young children who are female—disgusting practices that shock us all; trafficking in young women, forcing them into virtual slavery and being sexually exploited, and losing their identity in the process. It is a humiliation few can imagine. I commend the authors of this bill. Also, I commend them for including the section on violence against women.

Mr. President, 3 years ago, when we were hard at work trying to reduce gun violence in our society, I offered a piece of legislation to prohibit those who had even as little as a misdemeanor charge proven against them from getting guns. It was a tough battle, and we were on the losing side a couple of times, with the old song about it which is ''the camel's nose under the tent, and you will be controlling guns,'' and so forth, instead of thinking about how many lives we would save. We know that about 150 times a year a woman has a gun pointed at her head—and I guess the reverse is also true occasionally—and is told, ''I will blow your head off'' in front of children. What kind of wounds does that leave even if the trigger isn't pulled? It is a terrible memory for all of those who are either victims or witnesses.

With the help of President Clinton, we were finally able to get a piece of legislation in a budget bill that had to be done—it is almost 4 years now, and it had to be done and it passed and was signed into law—to prevent spousal and children abusers from getting permits to own a gun. The result is that almost 35,000 gun permits have been denied to these people—35,000 potential opportunities for a man to put a gun against a woman's head and threaten to take her life. So I support this bill with these two sections. I have added a section—myself and Senator MACK of Florida—that talks about helping those who have been victims of terrorism, whether on our shores or away from America. American citizens are deserving of protection. I am pleased the Senate is going to pass this package of worthy legislation.

The underlying Trafficking Victims Protection Act addresses a very serious human rights issue in Europe and elsewhere, where people are trafficking particularly for sexual exploitation. Finally, we are taking action to combat trafficking and to help these victims. I am pleased that this conference report will also reauthorize the Violence Against Women Act and expand coverage to include new programs for immigrant women, elderly women, and women in the military service.

Throughout my career, I have worked to help prevent domestic violence. I strongly supported the original Violence Against Women Act, which Congress passed in 1994. I am so pleased that we are going to take care of those aberrations of behavior that leave women and families devastated. But we are getting onto another subject, as well, which I think is critical, and that is to provide justice for victims of terrorism as part of the trafficking victims protection conference report.

Mr. President, we all talk about our objections and abhorrence of terrorist attacks against American citizens, whether abroad or at home, and I had an experience that was almost in front of my eyes which shocked me and caused me to think about how we might prevent terrorism against our citizens at any time, at any place.

One of those victims was a young woman named Alisa Flatow. She was a junior at Brandeis University and she was studying in Israel for a time. In 1995, on April 9, she boarded a bus that took her from a place called Ashkelon to another destination. She never arrived. Shortly after noon, when the bus was in the Gaza Strip, a suicide bomber drove a van loaded with explosives into the bus. Seven passengers were killed. Alisa Flatow was among those injured. An Israeli Defense Forces helicopter rushed her to a hospital in a community nearby. It was the same day I arrived in Israel from a trip in the Middle East. When I arrived there, our U.S. Ambassador informed me of the terrible tragedy that had occurred and that one of them was a constituent from New Jersey and that she had been severely injured in that attack. I immediately reached her home in West Orange, NJ, an area very familiar to me because I lived near that neighborhood.

I spoke to her mother, Rosalyn, and was informed that Alisa's father, Steve, was already on his way to Israel. By the time he arrived, the emergency surgery had failed to save his daughter's life. She died on April 10. She was 20 years old.

For any of those who have children, they know that 20 years of age is almost the beginning of life.

I have three daughters and a son. Those were marvelous years as they approached the end of their college terms and prepared for life beyond.

But that didn't prevent a faction of the Palestinian Islamic Jihad from claiming responsibility and being proud of what they did with that suicide bombing. What good was it going to do their cause to have one mission of terrorists to frighten people and prevent them from conducting their lives as they would like to without any specific gain to be had?

There was a sponsor who paid something to somebody to have these young people assassinated. It was Iran. That is one of the reasons that country is still on the State Department's list of terrorist countries.

I want to tell you, Mr. President, that I am befuddled by some of the policy decisions we make.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. LAUTENBERG. I ask if I can have 5 more minutes.

Mr. LEAHY. I yield 5 more minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank Senator LEAHY.

There is no stronger advocate for the protection and safety of our citizens than President Clinton. But I don't understand why we take a country such as Iran and start to deal with them in trade of insignificant items. Would you believe—I am almost embarrassed to say it—that caviar, pistachio, Persian rugs are vital items for the well-being of our society? It is outrageous.

But there are differences in point of view. I am not a professional diplomat. Maybe I fail to understand the longer term value of something that looks trivial to me as I express myself.

For the past five years, I have been proud to stand with Steve Flatow in his effort to achieve some measure of justice for the killing of his daughter. He and I both want to hold Iran accountable.

But Alisa Flatow was not Iran's only victim. Matt Eisenfeld of Connecticut and Sarah Duker of New Jersey, a young American couple in Israel, also were killed in 1996 when a suicide bomb from an Iran-sponsored group ripped through a bus they had boarded.

One cannot comprehend what these missions are supposed to accomplish.

I don't want to bring the situation in Israel and the Middle East up to a full-scale debate at this moment. But there can be nothing gained by assaults against people or their property.

I made a speech yesterday in which I pleaded with Mr. Arafat to stop the hatred of his people; to stop the inflammation; to stop the propaganda that induces this kind of hatred and action; to stop ugly cartoons about people who inhabit Israel, the Jewish community; and to stop the anti-Semitic diatribes that still occur in Palestine. Stop it; stop it.

Well-known journalist Terry Anderson and others were held hostage in Lebanon in the late 1980s by captors funded by Iran.

They and their families also deserve justice, as do the families of those killed when the Cuban government in 1996 deliberately shot down two planes used by Brothers to the Rescue.

Mr. President, The Antiterrorism Act of 1996 gave American victims of state-sponsored terrorism the right to sue the responsible state.

The law carved out a deliberately narrow exception to the sovereign immunity protections our laws afford other countries.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. LAUTENBERG. Mr. President, I ask the Senator from Vermont if I may have 5 more minutes.

Mr. LEAHY. Mr. President, I yield an extra 5 minutes to the Senator from New Jersey, especially because of the tremendous work he has done along with the Senator from Florida, Mr. MACK, on this subject. I think they have had to overcome so many obstacles and so many mysterious holds on their legislation. I, of course, yield 5 more minutes to the Senator.

Mr. LAUTENBERG. I thank the Senator from Vermont not only for his graciousness in extending to me additional time but for the help and guidance that he gave as we tried to put this piece of legislation into law.

Our goal then, and our goal now, is to allow American victims to receive some measure of justice in U.S. courts and to make state sponsors of terrorism pay for the death and devastation they have wrought.

Victims of terrorism have put the 1996 law to good use. The Flatow family won a U.S. court judgment against Iran in 1998. Other victims of terrorism won similar cases.

The Justice for Victims of Terrorism Act helps the victims collect compensatory damages they've won fair and square in our nation's courts.

Foreign countries that sponsor terrorism should have to pay for the awful toll that terrorist attacks take on families like the Flatows. And we hope that making terrorist states pay that price will deter them from sponsoring terrorism in the future.

Let me close, by thanking the many cosponsors and Senators who have helped advance this legislation. I particularly would like to thank Senator MACK, who has been with me every step of the way, and Gary Shiffman on his staff.

I also want to thank Frederic Baron of my staff who worked so hard on this bill.

I think this bill is a good example of bipartisan cooperation for a worthy cause—helping provide justice for American victims of terrorism abroad.

I am sure this legislation will pass overwhelmingly, but I want this message to go out across this globe: that if you sponsor terrorism against American citizens, you will pay a price. We ought to be unrelenting in that. I was proud of our country when we moved against Afghanistan to pay for the perpetrators of dastardly acts against American citizens and their interests.

We can never step aside and argue whether or not it is appropriate. We have to find out by testing the waters, by making sure that the legislation is there. If there is a challenge, so be it. But we have to indicate we will not stand by and let this happen without repercussions to those who sponsor terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey and the Senator from Florida for their excellent work. I want to take a moment to engage in a colloquy with Senator BROWNBACK to clarify a phrase in division A of the bill. In order to be eligible for the visa provided, the traffic victim would be required to prove she would face ''extreme hardship involving unusual and severe harm.''

This is a new standard under the Immigration and Nationality Act. Can the Senator explain why this new standard was created?

Mr. BROWNBACK. I am happy to respond to the Senator from Minnesota.

This was raised in conference committee under thorough discussion about this new standard of ''extreme hardship involving unusual and severe harm.'' There was a fear on the part of some conferees that some judicial interpretations over the term ''extreme hardship'' might be too expansive; specifically, the conferees objected to an interpretation that the applicant could prove ''extreme hardship'' by showing he or she would miss American baseball after being deported from the United States. So this language should be interpreted as a higher standard than some of these expansive interpretations of ''extreme hardship.''

At the same time, however, this language should not exclude bona fide victims who would suffer genuine and serious harm if they were deported. There is no requirement that the harm be physical harm. I repeat, there is no requirement that the harm be physical harm or that it be caused by the trafficking itself. The harm or the hardship does not have to be caused by the trafficking itself. The purpose of inserting the phrase ''unusual and severe'' is to require a showing that something more than the inconvenience and dislocation that any alien would suffer upon removal might occur.

I wish to make it clear in future interpretations of this act, while this is higher than extreme hardship, it doesn't require physical harm; it doesn't require the harm be associated

with the trafficking, to be able to allow an American to qualify under this new definition within the act.

I thank my colleague from Minnesota for allowing me the opportunity to clarify this particular issue.

Mr. WELLSTONE. I thank the Senator for his clarification.

We have been talking about the trafficking legislation. Before a final vote, I want to get back to that legislation. I think it is such an important human rights effort.

I will talk about the reauthorization of the Violence Against Women Act and make a couple of points. Again, to have a vote on legislation that goes after this egregious practice of trafficking of women and girls for the purposes of forced prostitution and forced labor is important to our country and to the world. Then to have reauthorization of the Violence Against Women Act also makes this a doubly important bill. I am so pleased to be on the conference committee and to be able to be a part of helping to make this happen.

I thank Senator BIDEN, I thank Senator HATCH, and I thank Senator LEAHY and others, for including in this bill authorization for what we call safe havens or safety visitation centers. Let me explain by way of example from Minnesota. I need to honor these children, and I need to honor their mother. Anyone from Minnesota will remember the case of Alex and Brandon, seen in this picture; two beautiful boys. It was these two boys and what happened to them that made me understand the importance of safety visitation centers more than anything else that could ever have happened.

On July 3, 1996, Brandon, who was 5, and Alex, who was 4, were murdered by their father during an unsupervised visit. Their mother, Angela, was separated from Kurt Frank, the children's father. During the marriage, she was physically and emotionally abused. Angela had an order of protection against Kurt Frank, but during the custody hearing she requested her husband not be allowed to see the children in unsupervised settings. The request he see the children only in supervised settings was rejected by the judge. Kirk Frank was able to see his sons with no supervision. When he did, and God knows why, he killed them. We have a center now, that the community supports, which is a safety visitation center.

The point is this: There are two different examples. Say a woman has been battered. And please remember, every 13 seconds a woman is battered in the country. Say she has had the courage to get away, to end this marriage. There is a separation going on and a divorce; you are still not necessarily going to say the father can't see the child, but if the father comes to the home to pick up the child, he steps inside the home and then battering can start again. There is no protection. If you can do it at the safe havens, supervision centers, you can protect the woman and you can protect the children.

Or it might be the case where you are worried about the threat of a father to the children, but you cannot say a father can't see the child; with a supervised visitation center the father can see the children there.

This is really important. We are working very hard right now with Senator HOLLINGS to get some funding. I am pleased this is a part of this legislation.

I say to colleagues, this was the work of Jill Morningstar on my staff, who, with my wife Sheila, made a lot of progress. It is so important to reauthorize. The hotline is important; the training for police is important; the support for law enforcement is important; the support for battered women shelters is so important for the people who are there in the trenches. All of this matters. The focus on rural communities and support in rural communities is important, as well. It has made a difference, a big difference.

In my State of Minnesota, this year already 33 women have been murdered. Each case is an example of ''domestic violence.'' Last year, in the whole year, it was only 28. The year is only half over and we have already had 33 women who have been murdered. Clearly, we are going to have to do a lot more. To reauthorize this bill today is a huge victory.

Mr. President, I think it should whet our appetite to do much, much more. I am absolutely committed to making sure we do more to provide some support for children who witness this violence in their homes. These kids run into difficulty in school. These kids, quite often, run into trouble. These children are falling between the cracks and there is no real support for them.

There is another piece of legislation—and I hope to get it in the bill—I am very excited about Day One in Minnesota where we want to make sure all of the shelters are electronically wired so with one call to the hotline, a woman will know where she and her children can go. Rather than calling, being told there is no space, and then not knowing where to go, it should only take one call. That is very important.

Then, there is a whole set of initiatives that would enable women to be more independent, to get more support to be more independent—whether it be affordable housing, whether it be family and medical applied to women in this situation, whether it be more job training—you name it. This will enable women to be put in a position where they are not unable or unwilling to leave a very dangerous situation for themselves and their children.

I say to colleagues, I am so pleased we are going to pass this conference report with an overwhelming vote. I am pleased to be a part of helping to work out this agreement. But I also think clearly, more than anything else, this ought to make us more determined to do much more. Again, about every 13 seconds a woman is battered in her home today in our country.

I will take a little more time to talk about the trafficking bill, since both these bills are linked together, to again make the point for all my colleagues, Democrats and Republicans alike, it is critically important to vote for this conference report, to keep this conference report intact.

I will keep thanking Senator BROWNBACK. It has been great to work with him. I thank him for his fine work.

We are talking about 50,000 women, girls, trafficked to our country. We are talking about 2 million worldwide. We are talking about women, sometimes girls as young as 10 or 11, coming from countries where there is economic disintegration. They are trying to figure out a way they could go somewhere and they are told they could become waitresses. They are told there is a job.

When they arrive, their visas are taken away from them; they are beaten; they don't know the language; they don't know their rights; and they are forced into prostitution. We had a massage parlor 2 miles from here in Bethesda which was staffed mainly by Russian-Ukraine women. That is one example. This is one of the grimmest aspects of the new global economy. It is, in many ways, more profitable than drugs because these women and girls are recyclable. It is that God-awful. In the year 2000, this legislation is the first of its kind in this country. It is a model for many other governments around the world.

We put a focus on three ''P's'': No. 1, prevention, getting the outreach work done to other nations so these young girls and women will know what they are getting into and have some understanding what these traffickers are about. No. 2, protection, so when a girl steps forward, then she is not the one who pays the price. Right now there is no temporary visa protection so if you were to try to get out of this you are the one who is deported. In the meantime, these traffickers go without any punishment, which is something I want to get to in a moment. So you want to provide that protection. You also want to provide services for these young women to be able to rebuild their lives after they have been through this torture. It is torture. And finally, No. 3, prosecution. Right now our law enforcement community tells us they want to go after them but they do not have the laws. What we are saying is, if you are involved in this trafficking, you are going to face stiff sentences. If you are involved in the trafficking of a girl under the age of 14, you can face a

life sentence. So there is a very strong part of the provision dealing with punishment.

We also have a listing of countries where this is happening, with a special focus on governments that are complicit in it. The President can take action against those governments, but there are also security waivers and other waivers. It is a balanced piece of legislation. I am proud of it. I think it will make a difference.

I think it is terribly important. I read some of these examples before. Let me give a couple of examples right now of what is happening in the year 2000.

In Los Angeles, where traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes, the lead defendant received 4 years and the other defendants received 2 to 3 years for this offense.

In another case where Asian women were kept physically confined for years, with metal bars on the windows, guards and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received between 4 and 9 years. This is the year 2000 we are talking about.

Then I gave the example of a 1996 trafficking case involving Russian and Ukrainian women who would answer ads to be au pairs, sales clerks, and waitresses but were forced to provide sexual services and live in a massage parlor in Bethesda, MD. The Russian-American massage parlor owner was fined. He entered a plea bargain, the charges were dropped, with the restriction he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the country.

This is what we are dealing with right now. There was a case involving 70 deaf Mexicans that my colleagues may remember, who were held under lock and key, forced to peddle trinkets, who were beaten and in some cases tortured. The leader received 14 years and the other traffickers from 1 to 8 years.

We intend to take this more seriously. Let me give one other example. The United States v. Hou, several Mexican nationals, all illegally in the United States, were required to live in one of the chicken sheds at an egg ranch. The shed was open to the elements. The defendants, man and wife, did not give the men any shelter, but encouraged them to build a small room out of cardboard and styrofoam egg cartons.

The men lived less than 15 feet from the chickens they tended. The men had to spread powerful pesticides in and around the chicken sheds, and the chemicals and various fuel oils were stored immediately next to their cardboard room. Faulty wiring in the rickety building resulted in a fire. One of the workers was killed as he tried to escape the shed and another suffered horrible burns. Despite the atrocious conditions, there was no evidence that the men had been kept in the defendants' service through threats of force or violence; the men stayed in the shed because Ms. Hou preyed upon their lack of English-speaking ability and lack of immigration status, deliberately misleading the victims and convincing them there was nowhere else to go.

Because the labor of the workers was maintained through a scheme of nonviolent and psychological coercion, the case did not fall under the involuntary servitude statutes—which could have resulted in life sentences given the death of one of the victims. Our legislation changes that. That is why this legislation is so important. No longer in the United States of America are we going to turn our gaze away from this kind of exploitation, to this kind of murder of innocent people.

This is a real commitment by the Senate and the Congress to defend human rights. This is a good piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wish to speak on a couple of other provisions in this bill to clarify those for Members. We will be voting on it later today. If others of my colleagues desire to speak on this bill, I urge them to come to the floor and speak now or forever hold their peace on this particular piece of legislation.

The item I wish to speak on now is Aimee's law. This is a part of this overall conference report that has passed the House, as I mentioned, by 371–1. Aimee's law was prompted by the tragic death of a college senior, Aimee Willard, who was from Brookhaven, PA, near Philadelphia. Arthur Bomar is a convicted murderer who was earlier paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this terrible crime in Delaware County, PA.

Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration on this particular piece of legislation.

This important legislation would use Federal crime-fighting funds to create an incentive for States to adopt stricter sentencing laws by holding States financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another State. Specifically, Aimee's law will redirect Federal crime-fighting dollars from a State which has released early a murderer, rapist, child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this released felon for a similar type of crime.

More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of these very same crimes.

Convicted murderers, rapists, and child molesters who are released from prisons and cross State lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children, including Aimee Willard.

The reason I point this out is because Aimee's law previously passed this body by a vote of 81–17. As I mentioned, it redirects Federal crime funds from a State that has released early a murderer, rapist, or child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this felon for a similar crime.

The formula for early release is if the criminal served less than 85 percent of his original sentence, and if a State kept a criminal in prison less time than the national average for a sentence of the same crime.

To counter concerns raised by the National Governors' Association, this does not federalize any crimes. I emphasize that, it does not federalize any crimes. It simply upholds State standards regarding murder, rape, and child molestation.

Sex offenders have one of the highest recidivism rates of any crime, thus, requiring more stringent standards in amount of the sentence served.

This only affects Federal crime funds which are transferred from State 1 to State 2 where a crime has been committed of a similar type by the criminal who was released early from State 1.

The reason I go through this at some length is because some of my colleagues have a concern about this. I understand there will be a point of order raised against this as being part of the overall package. There will be a vote on that point of order.

If people want to get this bill dealing with sex trafficking, the Violence Against Women Act, the international terrorism aspect of this bill, the Internet alcohol enforcement of this bill through, they need to vote against those who seek to strip this particular provision out of the bill because if they strip this provision out, the bill has to go back to the House for it to be voted on, and it will have to be voted on again in the Senate.

We do not have the time to do it. It will kill the bill. If people vote to strip this provision out of this particular bill

and send it back to the House, and it has to come back here, it will kill the bill. We do not have time to do that.

While some raise federalism arguments, most of our colleagues have already voted in favor of Aimee's law; 81 have voted in favor of it already. There are some arguable federalism principles involved. I think most of those have been worked out with the National Governors' Association. There is a strong advocacy group that has worked to get these standards where, if a person has been convicted in one State, they should serve their time rather than being released to commit a similar crime in another State. That is the direction of this.

I plead with my colleagues: Do not remove this provision. Do not support the point of order because, if you do, it is going to kill everything. It will kill the sex trafficking bill. It will kill the Violence Against Women Act. Do not do it. Most people have already supported this particular provision, Aimee's law.

I wish to say a couple of things on other issues before we break for the policy luncheons. I particularly appreciate my colleagues, Senator LAUTENBERG and Senator MACK, for their provisions on the Justice for Victims of Terrorism Act. I understand Senator HATCH will speak later about the 21st Amendment Enforcement Act on VAWA. We have had an excellent discussion this morning on the importance of this legislation protecting women who are subject to domestic violence. This is reauthorization of important language and important legislation and strengthening of it as well. That is an important feature.

I appreciate Senate majority leader TRENT LOTT bringing this issue to the floor. It is a good package of protection for both domestic and international women and children subject to violence. That is the theme that runs through this set of acts. It is protection for women, protection for children, protection domestically, and protection internationally.

I am very pleased with this legislation. It is a key piece of legislation to pass during this session of Congress to provide that level of protection. I am glad it has been done on a bipartisan basis. Mostly my colleagues from the other side of the aisle have spoken this morning supporting this legislation. Support is similarly strong on our side of the aisle. It is good to have that support back and forth.

Rather than using up the rest of my time, I simply say to my colleagues who want to speak, please come to the floor. I anticipate we will be voting on this legislation by the middle of the afternoon. We will be recessing for policy luncheons from 12:30 p.m. until I believe 2:15 p.m., which is the normal recess time.

This will be a good time for people to comment on this important legislation. I plead with them: Do not strike this particular provision, Aimee's law, because it will sink the entire bill. It is a good bill. It is good legislation. It previously passed both Houses overwhelmingly. Let's get it done.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield the distinguished Senator from New Mexico time off my time. I yield to him for another purpose, and once he speaks, I am sure the Chair will understand the reason. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy in yielding me some time. I ask unanimous consent that I be allowed to speak as in morning business for 3 minutes.

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

(The remarks of Mr. BINGAMAN are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I reiterate something the Senator from Kansas and the Republican floor leader on this bill have said, and that is that we hope, because of the request of a number of Senators on both sides of the aisle, to get these votes on both the Thompson point of order and final passage sometime midafternoon today. As one who holds the largest bulk of the individual time, I alert my colleagues that after the distinguished Senator from Utah and the distinguished Senator from Delaware, I will yield back the remaining part of that time which will move up somewhat the time of the vote.

The reason, incidentally, I have reserved the bulk of my time is to protect a number of Senators who wished to speak. I think virtually all of them have spoken. At least one of the Senators who would have wished to speak, the Senator from California, Mrs. FEINSTEIN, has just undergone surgery for an accident to her leg and is not going to be here, although, of course, any statement by her will be printed in the RECORD. But the others have spoken.

Mr. President, I am glad that the Senate is finally taking up this conference report. Unlike the conference on the Hatch-Leahy juvenile justice bill that passed the Senate in May 1999 with a bipartisan majority of 73 votes, and so many other matters that are still left undone by this Congress, we have an opportunity through this conference report to come to conclusion on three items that I have supported and tried to pass for many months. Unfortunately, there are two additional, extraneous items that were added over my opposition and that should not have been added to this conference report at all. I will speak on each of these matters.

At the outset, I want to acknowledge the important work of Representative CONYERS in the House, who has been a stalwart and consistent supporter of the Violence Against Women Act of 2000. Without his cooperation and support and the hard work of his staff, we would not be standing here today. I also want to pay tribute to the efforts of Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY and FEINSTEIN. Their efforts throughout this Congress, including in the last several days, have made the difference in our ability to move forward to begin this debate today.

With Senators KENNEDY, BIDEN, SPECTER, SMITH and so many others, I have been urging the Republican leadership to take up and pass the Violence Against Women Act of 2000 for some time. I had to urge action by the Judiciary Committee for several weeks before we were finally able to have it added to the agenda on June 15, 2000. It was reported unanimously the same month. Over the last several months since this legislation was reported, I have worked and prodded and pushed along with our Democratic Leader Senator DASCHLE, Senator REID, Senator DURBIN, Senator ROBB, Senator BINGAMAN and others on both sides of the aisle to try to get this matter taken up and passed without further delay.

The President of the United States wrote the Majority Leader back on September 27, 2000 urging passage. The First Lady and the Vice President had previously called for passage back in June at the time of the Judiciary Committee markup. The Violence Against Women Act of 2000 is a matter upon which we need to act.

I addressed this matter twice on the Senate floor in late September when an effort was being made by some on the Republican side of the aisle to try to use VAWA as a vehicle to force consideration of a flawed bankruptcy bill or to override Oregon state law. I said that playing political games with this important legislation was the wrong thing to do and that VAWA should not be used as leverage to enact less worthy provisions. Unfortunately, the Republican leadership in the Senate has been adamant in its refusal to take up and consider VAWA as a stand alone matter, even after the House passed its bill by a 415 to 3 vote. While we have been successful in preventing VAWA from being used as a vehicle for some measures, thanks in part to the President pro tempore Senator THURMOND and Senator BROWNBACK honoring commitments they made to me in order to go to conference, we have not been wholly successful and two additional and unfortunate riders are included

over my objection in this conference report.

Due to their dilatory tactics, VAWA was allowed by the Republican leadership to lapse on Saturday, September 30, despite the fact that it has served the women of this country well and the measure had passed the House by a vote of 415 to 3. Such inaction by the current Senate majority is not limited to reauthorization of VAWA. Congressional leaders have continued to drag their feet on enacting comprehensive juvenile crime prevention and enforcement legislation and reasonable gun safety measures, which have been stalled in conference for over a year. Judicial vacancies around the country and most acutely in our federal courts of appeals remain vacant month after month, year after year, while qualified women and men cannot get a hearing or a vote. Legislation to extend the Campbell-Leahy program to help provide bulletproof vests for local law enforcement officers was the victim of a secret hold in the Republican Senate cloakroom. Important intellectual property legislation is stalled without explanation by a similar anonymous hold on the other side of the aisle. And hate crime legislation, the Local Law Enforcement Enhancement Act of 2000, has been dropped in conference in spite of the votes in both the Senate and House approving it.

I am pleased that we will finally be able to reestablish the Violence Against Women Act, a law that makes such a profound difference in the lives of women and families who fall victim to domestic violence. I would not normally support efforts to add extraneous items in a conference report. In this case, in light of the unwillingness of the Senate Republican leadership to allow the Senate to act on the Violence Against Women Act of 2000 and the lapse of its authorization, I joined with Senator BIDEN and Senator HATCH to add it to the sex trafficking conference report we now consider.

I agreed with Senator BIDEN's assessment that in light of its importance and the resistance we have seen from the Senate Republican leadership to proceed to the VAWA bill for a straight up or down vote, this was the only way we would ever be able to get it considered by the Senate this year. I commend Senator BIDEN for making clear at the second and last meeting of the conferees on September 28th that he intended to insist on the conference reauthorizing the Violence Against Women Act. Indeed, I had raised it at our initial meeting of conferees as the one thing we should consider adding to this bill, if anything extraneous was to be considered.

Unfortunately, when we voted on adding VAWA to the conference report, only three Senate conferees voted to support it—Senators BIDEN, HATCH and me—and the other four Senate conferees all voted against. I am glad that over the ensuing days, the other four Senate conferees and the House conferees, whose votes initially seemed to doom this effort, have reversed position and joined with us to add VAWA into this conference report. I am glad that others agree with us that while we need to address the tragic plight of women who are brought to the United States, we need to pass reauthorization of VAWA to help battered women in this country, as well.

Although a conferee, I did not sign the conference report that we consider today. It may come as a surprise to some who have served in this body and remember how conferences are supposed to proceed, that I was not given an opportunity to consider the final report or to sign before it was filed. Indeed, after a second short meeting of conferees, the final meeting, which had been promised so that we could finalize our action, never occurred. Side deals were struck and broken and revised and implemented without resuming the conference. Legislating around here has come to resemble the television program ''Survivor'' more than the process intended by the Constitution or our Senate rules. We have all become increasingly accustomed to shortcuts in the legislative process, but we are now getting to the point that once sufficient numbers of signatures are obtained on a conference report, once an alliance has formed, conferees from the minority may not even be accorded an opportunity to view the final package let alone asked for their views. In this matter, after I had worked to ensure that VAWA was included in the conference report, I was treated like a member of the ill-fated Pagong tribe.

Had I been consulted we might have avoided the extended debate and point of order that Senator THOMPSON is bringing today. I was able to intervene just before the filing of the conference report when I obtained a draft that showed the elimination of the small state minimum funding level in certain grant programs. These eliminations would have been such a disaster for Vermont, New Hampshire, Delaware, Utah, Alaska and so many small and rural states that I had raise a strong objection and the small state minimum of $600,000 for shelters was restored by a last-minute handwritten change to the final conference report.

Unfortunately, while this conference report contains provisions that enjoy broad bipartisan support and will make a positive contribution to the well-being of many people, the Republican majority could not resist loading this conference report with other legislative proposals that are so problematic they could not have passed as stand-alone measures in this or any other Congress.

Let me begin by reviewing the positive parts of this conference report. These are the reasons that, last Friday, our colleagues in the House passed the Conference Report on Victims of Trafficking and Violence Protection Act 371 to 1.

The trafficking of people for the illicit sex trade or slave labor is plainly abhorrent. This conference report partially addresses that problem by providing additional authority to law enforcement and offering visas to victims of severe trafficking, among other measures. Those who have experienced the horror of trafficking and are willing to assist law enforcement in prosecuting trafficking should receive the option of staying in the United States. The law enforcement and immigration measures in this report are the result of compromises reached between both Houses and both sides. In some cases, especially in the immigration area, these provisions are not as generous as I and many other members of this conference would prefer.

This bill will also insist that information about severe forms of trafficking in persons be provided in the annual State Department Country Report for each foreign country, an important step forward in our attempts to raise consciousness about this issue. It also provides for the establishment of an Inter-Agency Task Force to monitor and combat trafficking, with annual and interim reports on countries whose governments do not comply with the minimum standards. The bill calls upon the President to establish initiatives to enhance economic opportunity for potential trafficking victims, such as microcredit lending programs, training, and education.

As someone who has been a strong supporter of human rights, both in the United States and abroad, I am pleased to be associated with this attempt to reduce trafficking and protect its victims. I hope that the Senate can also turn its attention to human rights issues that affect immigrants who arrive in the United States willingly. In particular, I request that the Senate consider S. 1940, the Refugee Protection Act, a bill I have introduced with Senator BROWNBACK that would restrict the use of expedited removal to times of immigration emergencies. Under expedited removal, those who flee persecution in their home countries face automatic removal from our country if they are traveling without documents, or even with documents that are facially valid but that an INS officer suspects are invalid. The limited protections that were built into this process when it was adopted in 1996 have proven insufficient, and we are receiving continuing reports of people in real danger being forced to leave the United States without even a hearing. This is simply inappropriate, and does an injustice to our nation's reputation as a haven for the oppressed.

As I already noted, reauthorization of the Violence Against Women Act, or

VAWA II, was also added to this report with strong bipartisan support. This is a particularly appropriate bill to add to this conference report. As the conference report states, ''[t]raffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunity in countries of origin.'' VAWA II contains a number of important programs to protect women and children in this country, and would complement the goals of this legislation.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the VAWA, Vermont lacked the support programs and services to assist victims of domestic violence. Today, because of the effort and dedication of people in Vermont and across the country who work on these problems every day, an increasing number of women and children are receiving help through domestic violence programs and shelters around the nation.

Six years ago, VAWA passed Congress as part of the Violent Crime Control and Law Enforcement Act. That Act combined tough law enforcement strategies with safeguards and services for victims of domestic violence and sexual assault. I am proud to say that Vermont was the first State in the country to apply for and receive funding under VAWA. Since VAWA was enacted, Vermont has received almost $14 million in VAWA funds. Since the passage of VAWA in 1994, I have been privileged to work with groups such as the Vermont Network Against Domestic Violence and Sexual Assault and the Vermont Center for Crime Victim Services and countless advocates who work to stop to violence against women and who provide assistance to victims.

This funding has enabled Vermont to develop specialized prosecution units and child advocacy centers throughout the state. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services and Marty Levin of the Vermont Network Against Domestic Violence and Sexual Abuse have been especially instrumental in coordinating VAWA grants in Vermont. Their hard work has brought grant funding to Vermont for encouraging the development and establishment of arrest policies for combating rural domestic violence and child abuse. These grants have made a real difference in the lives of those who suffer from violence and abuse. Reauthorization of these vital programs in VAWA II will continue to build on these successes.

VAWA II continues to move us toward reducing violence against women by strengthening law enforcement through the extension of STOP grants, which encourage a multi-disciplinary approach to improving the criminal justice system's response to violence against women. With support from STOP grants, law enforcement, prosecutors, courts, victim advocates and service providers work together to ensure victim safety and offender accountability.

The benefits of STOP grants are evident throughout Vermont. With STOP grants the Windham County Domestic Violence Unit, the Rutland County Women's Network and Shelter and others like them have enhanced victim advocacy services, improved safety for women and children, and ensured that perpetrators are held accountable. The Northwest Unit for Special Investigations in St. Albans, Vermont, established a multi-disciplinary approach to the investigation of adult sexual assault and domestic violence cases with the help of STOP funds. By linking victims with advocacy programs at the time of the initial report, the Unit finds that more victims get needed services and support and thus find it easier to participate in the investigation and subsequent prosecution. The State's Attorney's Office, which has designated a prosecutor to participate in the Unit, has implemented a new protocol for the prosecution of domestic violence cases. The protocol and multi-disciplinary approach are credited with an 80 percent conviction rate in domestic violence and sexual assault cases.

Passing VAWA II will continue grants that strengthen pro-arrest policies and enforcement of protection orders. In a rural state like Vermont, law enforcement agencies greatly benefit from cooperative, inter-agency efforts to combat and solve significant problems. Last year, approximately $850,000 of this funding supported Vermont efforts to encourage arrest policies.

Vermont will also benefit from the extension of Rural Domestic Violence and Child Victimization Enforcement Grants under VAWA II. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see these provisions included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, develop cooperative relationships between state child protection agencies and domestic violence programs, expand existing multi disciplinary task forces to include allied professional groups, and create local multi-use supervised visitation centers.

VAWA II also reauthorizes the National Stalker and Domestic Violence Reduction Grant. This important grant program assists in the improvement of local, state and national crime databases for tracking stalking and domestic violence. As we work to prevent violence against women, we must not forget those who have already fallen victim to it. VAWA II recognizes that combating violence against women extends beyond providing assistance to victims, it includes preventing women from becoming victims at all.

The National Domestic Violence Hotline, which has assisted over 180,000 callers, will continue its crucial operation through the reauthorization of VAWA. Much like the state hotline that the Vermont Network Against Domestic Violence and Sexual Assault helped establish in Vermont, the National Hotline reaches victims who may feel they have nowhere to turn.

I am especially pleased to see that VAWA II will authorize a new grant program for civil legal assistance. In the past, funding for legal services for victims of domestic violence was dependent on a set-aside in the STOP grant appropriation. This separate grant authorization will allow victims of violence, stalking and sexual assault, who would otherwise be unable to afford professional legal representation, to obtain access to trained attorneys and advocacy services. In my State, Vermont Legal Aid, the Vermont Network to End Domestic Violence and the South Royalton Legal Clinic of Vermont Law School are currently involved in a collaborative project to expand civil legal assistance services to domestic violence victims across the state. These three organizations are partnering to create Intensive Service Teams that will provide coordinated civil legal assistance and victim advocacy in Rutland County and the Northeast Kingdom. Grants such as this one that support training, technical assistance and support for cooperative efforts between victim advocacy groups and legal assistance providers will continue to prosper under VAWA II.

I remain concerned, however, over a highly objectionable provision that prohibits any expenditure of the civil legal assistant grant funds to support litigation with respect to abortion. Currently, the Legal Services Corporation (LSC) operates under two abortion-related restriction provisions: The 1974 LSC statute bans the use of federally appropriated Corporation funds for legal assistance for any abortion-related proceeding or litigation. Additionally, an appropriations rider to the Commerce-Justice-State appropriations bill restricts LSC funds from use by any person or entity that participates in abortion-related litigation.

The language in VAWA II bill reaches further, in the sense that it would ban

more organizations than just LSC from spending funds on abortion-related litigation. Under the Senate language, grants can be made to private, nonprofit entities, Indian tribal governments, and publicly funded organizations such as law schools. These grantees are certainly worthy and appropriate to provide these services generally; the objection is solely that they should not be gagged from providing abortion related legal assistance. I am concerned about the precedent this provision would set in expanding the restriction on abortion-related litigation to other programs and organizations. I think this kind of language should give us pause as we consider the effect it would have on victims who, in the face of domestic violence, sexual assault in family relationships, incest or rape, must run a gauntlet of congressionally imposed barriers in order simply to obtain full and complete information about their comprehensive health-care options.

The original VAWA authorized funding for programs that provide shelter to battered women and children. I am pleased to see that VAWA II expands this funding so that facilities such as the Women Helping Battered Women Shelter in Burlington, Vermont, and the Rutland County Women's Shelter in Rutland, Vermont will continue to serve victims in their most vulnerable time of need. As I have noted, at one point I obtained a draft conference report that had dropped the $600,000 small state minimum funding these grants. I am relieved that my objection was heard and the minimum restored.

As glad as I am that we are finally reauthorizing VAWA, this is not the version of VAWA that I cosponsored and supported in the Judiciary Committee and urged the Senate to enact. In fact, this is not the VAWA II bill that was negotiated among staff at a bipartisan, bicameral meeting earlier in this process. The version of VAWA II in this conference report was negotiated behind closed doors in the last minutes before the conference report was filed. Unfortunately, this approach saw additional provisions added and struck that have diminished the final product. One provision of particular concern to me is that on transitional housing.

The previous Senate version of the Violence Against Women Act of 2000, S. 2787, had over 70 co-sponsors. I am one of them. That version included better provisions on transitional housing assistance. It would have been a significant improvement over the original VAWA. This new grant program for short-term housing assistance and support services for homeless families who have fled from domestic violence environments was a priority for me and Vermont, where availability of affordable housing is at an all-time low. Unfortunately, this authorization was reduced to one year without my consent. Those involved in the discussions attribute the change to ''jurisdictional concerns'' of the Health, Labor and Pensions Committee. I look forward to working with Senators JEFFORDS, GREGG and KENNEDY next year during reauthorization of the Child Abuse Prevention and Treatment Act to extend the authorization of this important program. We should all be concerned with providing victims of domestic violence with a safe place to recover from their traumatic experiences. In addition, I would like to see more support for groups that address the need for funding for under-served populations.

There are positive things to come out of the revised version of VAWA II. I am pleased that we were able to cover ''dating violence'' in most of the provisions and grant programs. The Bureau of Justice Statistics report indicates that more than four in every 10 incidents of domestic violence involves non-married persons, and further, that the highest rate of domestic violence occurs among young people aged 16–24. It is crucial that we authorize prosecution of their offenders. We cannot ignore this increasingly at risk segment of the population. The House-passed version of VAWA II had contained such provisions and I support them as they have been incorporated into the conference report.

In 1994, we designed VAWA to prevent abusive husbands from using control over their wives' immigration status to control them. Over the ensuing six years we have discovered additional areas that need to be addressed to protect immigrant women from abuse, and have attempted to do so in this legislation. VAWA II will ensure that the immigration status of battered women will not be affected by changes in the status of their abusers. It will also make it easier for abused women and their children to become lawful permanent residents and obtain cancellation of removal. With this legislation, battered immigrant women should not have to choose to stay with their abusers in order to stay in the United States.

I am pleased that we have taken these additional steps to protect immigrant women facing domestic abuse in the United States. I would also like to point out the difficult situation of immigrant women who face domestic violence if they are returned to their home country.

Numerous cases have arisen recently in which women who fear being killed by abusive spouses in their native lands were denied claims for asylum, despite the fact that the police in those countries do not enforce what limited laws apply to domestic violence. There are additional cases in which women who fear for their lives due to ingrained social practices—such as ''honor killings'' in Jordan, in which families have female relatives killed for ''dishonoring'' them—have lost asylum claims. The Attorney General is currently reviewing the Board of Immigration Appeals decision Matter of R-A-, which is the precedent on which these later decisions have been based. I have written, along with Senator LANDRIEU and many other of my colleagues, urging the Attorney General to reverse this decision and protect women who face persecution. I renew that request today, and hope that the passage of this legislation will prompt action on this issue as well.

The conference report includes a provision that would require dissemination of sex registry information to colleges and universities. Currently, the Family Educational Rights and Privacy Act (FERPA) applies strict restrictions on the dissemination of information in ''education records,'' but these restrictions are specifically defined to exclude ''records maintained by a law enforcement unit'' of the school and were created for a law enforcement purpose. Thus, to the extent that campus police get information about registered sex offenders under State law, they are able to use it as they wish. Apparently not satisfied to leave this issue to the States, the conference report would mandate that States provide sex registry information concerning students to colleges and universities where the students are registered.

I see no need to impose a federal disclosure requirement when the States are now free to regulate as they see fit the dissemination of sex registry information to schools and campus police, who may use it to protect the safety of those on campus. No one is opposed to taking adequate safety measures regarding sex offenders on campus. My concern has to do with unnecessary federal mandates when the States are perfectly capable of addressing the issue.

VAWA II includes a provision to enhance protections for older women from domestic violence and sexual assault. Last year I introduced the Seniors Safety Act, S. 751, which would enhance penalties for crimes against seniors. This provision in VAWA II is an important complement to that legislation and I am pleased this provision has been able to generate wide support.

VAWA II would also help young victims of crime through funding for the establishment of safe and supervised visitation centers for children in order to reduce the opportunity for domestic violence. Grants will also be extended to continue funding agencies serving homeless youth who have been or who are at risk of abuse and to continue funding for victims of child abuse, including money for advocates, training for judicial personnel and televised testimony.

Many of the most successful services for victims start at the local level,

such as Vermont's model hotline on domestic violence and sexual assault. VAWA II recognizes these local successes and continues grant funding of community demonstration projects for the intervention and prevention of domestic violence.

The original VAWA was an important and comprehensive Federal effort to combat violence against women and to assist the victims of such violence. Passage of VAWA II gives us the opportunity to continue funding these successful programs, to improve victim services, and to strengthen these laws so that violence against women is eliminated. I am pleased that we were able to find a way to get this considered and passed. I deeply regret that we have not been able to do so in standalone legislation or before VAWA expired last month.

The conference report also includes the Justice for Victims of Terrorism Act. I commend Senators LAUTENBERG and MACK for working with the Administration on this consensus legislation which addresses serious policy concerns raised by prior versions of the bill. This measure has been cleared for action and passage by unanimous consent for some time by all Democratic Senators. In my view, it should have been passed in its own right a long time ago.

The Justice for Victims of Terrorism Act addresses an issue that should deeply concern all of us: the enforcement of court-ordered judgments that compensate the victims of state-sponsored terrorism. This legislation has the strong support of American families who have lost loved ones due to the callous indifference to life of international terrorist organizations and their client states, and it deserves our support as well.

One such family is the family of Alisa Flatow, an American student killed in Gaza in a 1995 bus bombing. The Flatow family obtained a $247 million judgment in Federal court against the Iranian-sponsored Islamic Jihad, which proudly claimed responsibility for the bombing that took her life. But the family has been unable to enforce this judgment because Iranian assets in the United States remain frozen.

The conference report that the Senate passes today will provide an avenue for the Flatow family and others in their position to recover some of the damages due them under American law. It will permit these plaintiffs to attach certain foreign assets to satisfy the compensatory damages portion of their judgments against foreign states for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act. It will also permit these plaintiffs to recover post-judgment interest and, in the case of claims against Cuba, certain amounts that have been awarded as sanctions by judicial order.

I am also pleased that this measure also includes a Leahy-Feinstein amendment dealing with support for victims of international terrorism. This amendment will enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but according to OVC, existing programs are failing to meet their needs. Working with OVC, we have crafted legislation to correct this problem.

The Leahy-Feinstein part of this measure will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

This provision will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the provision will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

Finally, the provision clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. I understand the appropriations' actions to have deferred spending but not to have removed deposits from the Fund. This provision makes that explicit.

I want to thank Senator FEINSTEIN for her support and assistance on this initiative. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws. We would have liked to do more. In particular, we would have liked to allow OVC to deliver timely and critically needed emergency assistance to all victims of terrorism and mass violence occurring outside the United States and targeted at the United States or United States nationals.

Unfortunately, to achieve bipartisan consensus on this provision, we were compelled to restrict OVC's authority, so that it may provide emergency assistance only to United States nationals and employees. It seems more than a little bizarre to me that the richest country in the world would reserve emergency aid for victims of terrorism who can produce a passport or W–2. I will continue to work with OVC and victims' organization to remedy this anomaly.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively assist victims and provide them the greater voice and rights that they deserve.

This is the third good part of the package that comes before the Senate today. The sex trafficking bill, VAWA II and the Justice for Victims of Terrorism legislation could each have passed in its own right. The are being bundled together because the Republican leadership refused to proceed to consideration of VAWA II or the victims legislation and this session is drawing to a close. We are already passed the sine die adjournment date that had been set by the Majority Leader. We are already into the second or third or fourth continuing resolution needed to keep the government operating while Congress completes appropriations bills that should have been enacted in July and September.

While the conference report contains many provisions which I support, it also has been used as a vehicle for some pet Republican legislative projects that I do not endorse. I refer specifically to ''Aimee's law'' and the ''Twenty-First Amendment Enforcement Act.''

The conference report contains a legislative proposal called ''Aimee's law,'' which, though well intended, will not serve this country well. We all shudder when a violent offender is incarcerated for an insufficient length of time only

to be released and claim another victim. Let us be clear: everyone agrees that serious violent offenders should serve appropriate and sufficient incarceration. Yet, Aimee's law is not the way to pursue this goal. Neither Aimee's law or Congress can accurately assess with one hundred percent accuracy which offender will be a recidivist and which offender will not. This proposal has myriad practical implementation problems that will make this law a headache to administer for the States and the Department of Justice, without living up to its promise of stopping future tragedies.

Ironically, Aimee's law will adversely affect the States' ability to fight crime. By taking law enforcement funds away from the states, the legislation will in effect reduce the states' capacity to fight crime. The Pennsylvania Secretary of Corrections has advised that ''Pennsylvania, along with many other states, plans for the use of federal law enforcement money years in advance. Excessive penalties have a high potential to interfere with states' abilities to keep violent offenders—including those who have committed Aimee's law crimes—incarcerated for longer periods of time.''

Specifically, this proposal would allow a state to apply to the Attorney General for reimbursement of the costs for investigation, prosecution and incarceration of prisoners who were previously convicted in another state for murder, rape or a dangerous sexual offense. The source of the reimbursement funds will be from Federal law enforcement assistance funds that would otherwise be paid out to the state that convicted the individual of the prior offense and released that offender.

Last year, this proposal was adopted as an amendment to S. 254, the Juvenile Justice bill. Even then I expressed grave reservations with the language and complications contained in the legislation. Specifically, I noted that the proposal was ''extremely complicated and can create a great deal of problems with some States'' and offered ''to work more on the language to see if there are areas of unnecessary complication that could be removed.'' (RECORD, May 19, 2000, p. S5526). Unfortunately, the juvenile justice conference, in which the language of this proposal could have been refined, has failed to meet for over a year. Apparently, the Republican leadership intends to end the Congress without ever completing work on the juvenile crime bill.

By any stretch of the imagination, the costs of Aimee's law outweigh its promised benefits:

First, Aimee's law penalizes states' law enforcement not for their own actions, but for the actions taken by judicial and corrections officers resulting in the release of a defendant who has not served the incarceration period required under Aimee's law. Indeed, defendants who escape from jail without serving their full term and commit subsequent crimes could subject the state in which they committed their initial crimes to decreased federal funds otherwise used to help law enforcement.

Second, Aimee's law requires the annual collection, maintenance and reporting of criminal history for violent offenders and covers not just those offenders currently in the system but any such offender no matter how long ago that offender was convicted, served time and was released. This provision alone demands an enormous investment of time and money, neither of which the legislation provides, to build the criminal history database necessary to implement the new law. As the Department of Justice has pointed out, ''[s]ince no time limit is imposed between the prior and subsequent convictions, the system would require electronic criminal records that do not now exist and would be very expensive to accumulate.'' This ''would require the establishment of a major national data center to collect and match state records'' and constitutes an ''unfunded mandate.''

During a colloquy in the House on October 6th, Congressman CONYERS asked a House sponsor of Aimee's law whether it was the drafters' intent that Aimee's law shall apply prospectively, that is only to offenders whose first sentence for a covered offense occurs on or after the effective date of this law, January 1, 2002, and the sponsor responded affirmatively. Yet, the law remains murky on this point since the effective date may be construed to apply only to the time when states may make applications for reimbursement, not to when the offenses occurred. We have two years before the effective date to clarify this point, and others, in this problematic law.

Third, while Aimee's law would exempt certain States from application of the law, those exemptions are predicated, in part, upon ''the average term of imprisonment imposed for that offense in all States.'' The Pennsylvania Director of Corrections has pointed out that ''[t]here is no record of what the national 'average. . .' is for crimes covered in this language. Further, if such an average existed, it would continually fluctuate, guaranteeing that there would always be some states out of compliance.''

Fourth, Aimee's law adopts offense definitions that are unclear and fail to conform to the offense definitions found in the federal criminal code or to the standard legal terms used in state codes making it difficult to enforce Aimee's law across state lines.

The National Governors' Association has repeatedly registered its disapproval of Aimee's law as ''onerous, impractical and unworkable.'' Consequently, States may simply agree among themselves not to file the applications with the Attorney General required to obtain reimbursement. Indeed, such an application might trigger a retaliatory review of the applicant's own record of released defendants and result in reduction of important federal funds. As a consequence, states may view invocation of Aimee's law reimbursement provisions as a risky proposition.

In short, Aimee's law is an empty promise that may make good fodder for 60-second campaign spots but will do nothing to continue the progress we have made over the last eight years to reduce the violent crime rate or to truly help crime victims.

Senator HATCH has insisted that the ''Twenty-First Amendment Enforcement Act'' be included in the conference report, despite the fact that the conference met September 28th, and expressly rejected inclusion of this proposal in the conference report. It was rejected by the Senate conferees and the House conferees went so far as to adopt the position that no extraneous legislation would be added to the sex trafficking provisions. Nevertheless, the conference report contains Senator HATCH's bill, which amounts to a double whammy—it is unnecessary and dangerous to e-commerce. The purported goal of this legislation is to enforce state liquor laws. The approach of this legislation sets a dangerous precedent by erecting barriers to interstate and electronic commerce.

Specifically, the bill would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted. State attorneys general are already enforcing their state liquor laws in state courts—whether the alcohol was brought over the Internet or over the counter at the corner store. The Internet has not changed the enforcement of state liquor laws.

This year, for instance, the Utah Attorney General successfully enforced that state's liquor laws against an out-of-state direct sales shipper of alcoholic beverages. That case resulted in fines of more than $25,000 and guilty pleads by an out-of-state direct shipper to state law counts of unlawfully importing alcohol and selling it to a minor.

Indeed, the Utah Attorney General, Jan Graham, declared: ''This case represents a significant win for Utah. No longer can retailers claim that we have no authority over illegal transactions that occur outside of the state. If you're shipping to a Utah resident, we can and will prosecute you.''

This legislation is using the Internet as an excuse to impose a Federal fix for a problem that is already being solved at the state level. Whatever happened to Federalism? In fact, the National Conference of State Legislatures opposes this legislation, calling the bill

''an overreaction to a situation which can be reconciled among the states and not in a federal court.''

Skeptics rightly are concerned that some may be using the Internet as an excuse to protect the decades-old distribution system for wine and other alcoholic beverages. Although the Internet has not changed state liquor law enforcement, it has opened up the wine and beer market to new consumer choices and competition.

With the power of electronic commerce, adult consumers now have the freedom to choose from a rich assortment of different wine and beer products—from small wineries to nationwide brewers in America or any other country in the world.

We should be embracing this free market and open competition. Competition in the free market is the American way. But instead some wine and beer wholesalers want to use this legislation as a protectionist ploy to keep their present distribution system, which effectively locks out small wineries and micro-breweries from ever getting their products on a store shelf. Mothers Against Drunk Driving and the National Conference of State Legislatures have noted that this Federal legislation is nothing more than an attempt to use the Federal courts in a disagreement between wholesalers and small independent wineries and breweries.

On August 12, 1999, The Wall Street Journal wrote about this legislation: ''This is a bad bill, with dangerous consequences not only for alcohol but for the future of e-commerce and other cross-state transactions.'' I wholeheartedly agree.

The Department of Justice has warned Congress in relation to legislation affecting the Internet that: ''[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accomplish the legislation's objectives without stifling the growth of the Internet or chilling its use.'' This bill fails that test. It is not carefully crafted. In fact, it is not even needed. It also could chill the use of the Internet as a means of promoting interstate commerce.

I will vote in support of this conference report because the provisions on sex trafficking, VAWA and justice for victims are proposals I endorse. I do so with profound regret with the process and that the majority insisted on including Aimee's law and the internet alcohol bill that are not well considered. They are the price that we pay for making progress here today. I will work to see if we can limit their damage.

In closing, I wish to thank the conferees and their staffs who showed courtesy to me and mine. In particular, I thank Karen Knutsen of Senator BROWNBACK's staff and Mark Lagon and Brian McKee of the staff of the Foreign Relations Committee. I thank Nancy Zirkin of the American Association of University Women and Pat Reuss of the NOW Legal Defense and Education Fund for their efforts on behalf of VAWA II. This has been a difficult matter at a difficult time that is being concluded as best we can under these circumstances in order to enact the sex trafficking legislation, VAWA II and the victims bill for all the good they can mean.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished Senator from Kansas be recognized to make a unanimous consent request.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the votes occurring relative to the Thompson appeal as provided in the consent agreement this body agreed to on October 6, 2000, occur at 4:30 p.m. today, with adoption of the conference report to occur immediately following that vote as provided in the consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, for the information of Members, in light of this agreement, the next two votes will occur at approximately 4:30 p.m. with the Thompson appeal vote occurring at 4:30 and the conference report vote occurring immediately thereafter.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. COLLINS).

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Without losing my own time, I yield 5 minutes to the distinguished Senator from Vermont off the leader's time, 2 minutes from the distinguished Senator from Minnesota off the leader's time, and I understand the distinguished Senator from New York desires 5 minutes off the minority leader's time.

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

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Under the previous order, the Senator from New York is now recognized.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. SCHUMER. Madam President, I thank you as well as the chairman of our committee, Mr. HATCH, and the ranking member, Mr. LEAHY, for yielding me a brief amount of time to talk on the Violence Against Women Act.

I commend our leader on Judiciary, Senator LEAHY, for his diligent work on so many of the issues contained here. I know there are some differences on a few. I commend Senator BIDEN, who has worked long and hard on this issue for many years. We all owe him a debt of gratitude for his strenuous efforts. I also thank the Senator from California, Mrs. BOXER. When Senator BIDEN first introduced the bill in the Senate, Senator BOXER, then Congress Member BOXER, was the House sponsor; I was the cosponsor. When she moved on to the Senate, I became the lead House sponsor and managed the bill as it was signed into law.

When it was first enacted in 1994, the Violence Against Women Act signaled a sea change in our approach to the epidemic of violence directed at women. Until the law, by and large it had been a dirty little secret that every night hundreds of women showed up at police precincts, battered and bruised, because they were beaten by their spouse or their boyfriend or whatever. All too often they were told by that law enforcement officer, who really had no education, no training, or no place to send the battered woman: Well, this is a domestic matter. Go home and straighten it out with your husband.

So deep were the traditions ingrained that it was very hard to remove them. In fact, the expression ''rule of thumb'' comes from the medieval law that said a husband could beat his wife with a stick provided that stick was no wider than his thumb.

The Violence Against Women Act took giant strides to take this terrible, dirty secret, bring it above ground, and begin really to cleanse it. The new law acknowledged that the ancient bias showed itself not just in the virulence of the perpetrators of violence but in the failure of the system and the community to respond with sufficient care and understanding. Shelters grew, police departments were educated, the VAWA hotline—which we added to the law as an afterthought, I remember, in the conference—got huge numbers of

calls every week, far more than anybody ever expected. The increased penalties for repeat sex offenders did a great deal of good.

In my State alone, for instance, the act provided $92 million for purposes such as shelter, such as education, such as rape crisis centers, and such as prevention education for high school and college students, and victims' services. But, as impressive as the advances were under the original VAWA, we still have a long way to go; this horrible activity is ingrained deeply in our society. Building on the success of VAWA I, VAWA II—the Violence Against Women Act II—is now before us. It is still the case that a third of all murdered women die at the hands of spouses and partners and a quarter of all violent crimes against women are committed by spouses and partners. Indeed, the latest figures from the Bureau of Justice Statistics actually show an increase of 13 percent in rape and sexual assault.

So we have a long way to go. The battle continues. It is why the Violence Against Women Act is so important and will make such a difference in the lives of women across America. I will not catalog its provisions. That has been done by my colleagues before me. I urge my colleagues to vote for this legislation.

In conclusion, let us hope this law will hasten the time when violence against women is not a unique and rampant problem requiring the attention of this body. Let us pray for the time when women no longer need to live in fear of being beaten.

I yield my time and thank my colleagues.

Mr. LEAHY. Madam President, I see my good friend, the Senator from Iowa, on the floor. I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my good friend from Vermont for yielding me this time to voice my support for the reauthorization of the Violence Against Women Act. It is an important act that should be passed forthwith.

I was a proud cosponsor of this bill when it passed in 1994, and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in my State of Iowa and across the Nation. Iowa has received more than $8 million through grants of VAWA. These grants fund the domestic violence hotline and keep the doors open at domestic violence shelters, such as the Family Violence Center in Des Moines.

VAWA grants to Iowa have provided services to more than 2,000 sexual assault victims just this year, and more than 20,559 Iowa students this year have received information about rape prevention through this Federal funding.

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that State and community efforts are indeed working. But this fight is far from over. The reauthorization of this important legislation will allow these efforts to continue without having to worry that this funding will be lost from year to year. I commend the Democratic and Republican leadership for working to get this bill done before we adjourn.

I believe my friends on the Republican side of the aisle are suffering from a split personality. They are willing to reauthorize the Violence Against Women Act, but they are not willing to put a judge on the Federal bench who knows more about this law, has done more to implement this law than any other person in this country, and that is Bonnie J. Campbell, who right now heads the Office of Violence Against Women that was set up by this law in 1994. In fact, Bonnie Campbell has been the head of this office since its inception, and the figures bear out the fact that this office is working, and it is working well.

Bonnie Campbell's name was submitted to the Senate in March. She had her hearing in May. All the paperwork is done. Yet she is bottled up in the Senate Judiciary Committee.

Yesterday, the Senator from Alabama appeared on the CNN news show ''Burden of Proof'' to discuss the status of judicial nominations. I want to address some of the statements he made on that show.

Senator SESSIONS said Bonnie Campbell has no courtroom experience. The truth: Bonnie Campbell's qualifications are exemplary. The American Bar Association has given her their stamp of approval. She has had a long history in law starting in 1984 with her private practice in Des Moines where she worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, and family law.

She was then elected attorney general of Iowa, the first woman to ever hold that office. In that position, she gained high marks from all ends of the political spectrum as someone who was strongly committed to enforcing the law to reducing crime and protecting consumers.

As I said, in 1995, she led the implementation of the Violence Against Women Act as head of that office under the Justice Department. Her strong performance in this role is reflected in last month's House vote to reauthorize VAWA—415–3.

Senator SESSIONS from Alabama says she has no courtroom experience. I will mention a few of the judicial nominees who have been confirmed who were criticized for having little or no courtroom experience.

Randall Rader—my friend from Utah might recognize that name—was appointed to the U.S. Claims Court in 1988 and then to the Federal circuit in 1990. Before 1988, Mr. Rader had never practiced law, had only been out of law school for 11 years, and his only post-law-school employment had been with Congress as counsel to Senator HATCH from Utah. Yet today, he sits on a Federal bench. But Senator SESSIONS from Alabama says Bonnie Campbell has no courtroom experience; that is why she does not deserve to be on the Federal court.

Pasco Bowman serves on the Eighth Circuit. He was confirmed in 1983. Before his nomination——

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. He was criticized for his lack of experience because he had been in private practice for 5 years out of law school, and the rest of that time he was a law professor. Now he is on the Eighth Circuit.

Mr. HATCH. Will the Senator yield? I want to agree with that.

Mr. HARKIN. Yes.

Mr. HATCH. I agree with the Senator. I do not think it is critical that a person have prior trial experience to be nominated to the Federal bench.

Mr. HARKIN. I appreciate that.

Mr. HATCH. There are many academics who have not had 1 day of trial experience. There have been a number of Supreme Court Justices who have not had 1 day of trial experience. I do criticize the Senator in one regard, and that is for bringing up the name of Randall Rader because Randy happened to be one of the best members of our Senate Judiciary Committee. He is now one of the leading lights in all intellectual property issues as a Federal Circuit Court of Appeals judge. The fact is, he has a great deal of ability in that area. I agree with that.

Mr. HARKIN. Will the Senator yield on that point? I am not criticizing Randall Rader.

Mr. HATCH. I didn't think you were.

Mr. HARKIN. I am saying here is a guy on the court, probably doing a great job for all I know, but he didn't have any courtroom experience either.

Mr. HATCH. I agree with the Senator.

Let me just say this. I am in agreement with my friend and colleague from Iowa. I believe it is helpful to have trial experience, especially when you are going to be a trial judge. I do not think it is absolutely essential, however. I also believe some of the greatest judges we have had, on the trial bench, the appellate bench, and on the Supreme Court, never stepped a day into a courtroom other than to be sworn into law to practice.

Mr. HARKIN. I agree with that.

Mr. HATCH. That isn't the situation.

Now, I have to say, I appreciate my two colleagues from Iowa in their very earnest defense, and really offense, in

favor of Bonnie Campbell. She is a very nice woman and a very good person. Personally, I wish I could have gotten her through. But it isn't all this side's fault. As the Senator knows, things exploded here at the end because of continual filibusters on motions to proceed and misuse of the appointments clause, holds by Democrats, by the Democrat leader, on their own judges, and other problems that have arisen that always seem to arise in the last days.

So I apologize to the distinguished Senator I couldn't do a better job in getting her through. But I agree with him, and I felt obligated to stand and tell him I agreed with him, that some of our greatest judges who have ever served have never had a day in court. I might add, some of the worst who have ever served have never had a day in court also. I think it is only fair to make that clear. But there are also some pretty poor judges who have been trial lawyers, as well. So it isn't necessarily any particular experience.

Mr. LEAHY. If the Senator would yield?

Mr. HARKIN. I am just pointing out what the Senator from Alabama, who is a member of the Judiciary Committee, said.

Mr. HATCH. I understand.

Mr. HARKIN. I was not saying anything about the Senator from Utah. I was just pointing out, as he just did, some good judges on the appellate level never had trial experience.

Mr. HATCH. If the Senator would yield again, if we made that the criterion, that you have to have a lot of trial experience, I am afraid we would hurt the Federal Judiciary in many respects because there are some great people——

Mr. HARKIN. I agree.

Mr. HATCH. Who have served in very distinguished manners who have not had trial experience. I think it is helpful, but it does not necessarily mean you are going to be a great judge.

I thank my colleague for yielding.

Mr. LEAHY. Madam President, if the Senator will yield, I will note the big difference between Judge Rader and Bonnie Campbell. I think Judge Rader is a very good judge. I supported him. Judge Rader got an opportunity to have a vote on his nomination, and he was confirmed. Bonnie Campbell, who was nominated way back in March, has never been given a vote. There is a big difference.

Mr. HARKIN. Yes.

Mr. LEAHY. It is not trial experience. There is a big difference. She deserved a vote just as much as anybody else. She never got the vote. Had she gotten the vote, then I think she would have been confirmed. It is not a question of Judge Rader, whom I happen to like, who is a close personal friend of mine, and whom I supported; it is a question of who gets a vote around here.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. LEAHY. I assumed the time of the Senator from Utah was coming from his side.

Mr. HARKIN. I yielded to him.

Mr. LEAHY. Madam President, I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 more minutes.

Mr. HARKIN. I just point out, J. Harvie Wilkinson is another judge in the Fourth Circuit. Again, he never had any courtroom experience either.

I am just pointing out, the Senator from Alabama yesterday, on the same TV show, said Bonnie Campbell was nominated too late. Nonsense. Gobbledy-gook.

Bonnie Campbell was nominated on March 2 of this year. The four judicial nominees who were confirmed just last week were nominated after Bonnie Campbell. Why didn't Senator SESSIONS from Alabama stop them from going out of committee? They were nominated after Bonnie Campbell. Three of them were nominated, received their hearings, and were reported out of the committee during the same week in July. Bonnie Campbell had her hearing in May, and she has since been bottled up in committee.

I keep pointing out, in 1992 President Bush nominated 14 circuit court judges. Nine had their hearing, nine were referred, and nine were confirmed—all in 1992. I guess it was not too late when the Republicans had the Presidency, but it is too late if there is a Democrat President.

Here is the year: 2000. Seven circuit court judges have been nominated; two have had their hearing, one has been referred, and one has been confirmed—one out of seven.

So who is playing politics around this place?

The Senator from Alabama said the Judiciary Committee is holding hearings, just as they did in the past.

In 1992, there were 15 judicial hearings; this year, there have been 8.

The Senator from Alabama also said some Republican Senators claim Bonnie Campbell is too liberal.

But Bonnie Campbell has bipartisan support. Senator GRASSLEY, law enforcement people, and victims services groups also all support her. Is that the test?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HARKIN. May I have 2 more minutes?

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes remaining.

Mr. LEAHY. I yield 1 more minute to the Senator.

Mr. HARKIN. Thirty seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE J. CAMPBELL

Mr. HARKIN. Since this may be my only opportunity today, I will do it, as I will every day we are in session.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the nomination of Bonnie J. Campbell, that after the two rollcall votes at 4:30——

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I will wait until the Senator finishes.

Mr. HARKIN. I wanted to finish—that the Senate proceed to this nomination, with debate limited to 2 hours equally divided and, further, that the Senate vote on this nomination at the conclusion of the yielding back of time.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I get a little tired of some of these comments about judges when we put through 377 Clinton-Gore judges, only 5 fewer than Ronald Reagan, the all-time high. I get a little tired of the anguishing.

There has never been, to my recollection, in my 24 years here, a time where we have not had problems at the end of a Presidential year. Whether the Democrats are in power or we are in power, there is always somebody, and others—quite a few people—who foul up the process. But that is where we are. And to further foul it up is just not in the cards.

Senator HARKIN has spoken at length about one nominee: Bonnie J. Campbell. Let me respond.

It always is the case that some nominations ''die'' at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress, including Bonnie Campbell. I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted

to expire in 1992 be printed in the RECORD.

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

53 BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smietanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrance W. Boyle of North Carolina	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Sholts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manual H. Quintana	Southern District of New York.
Charles A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E. Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Dorr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire Congresses included the nominations of minorities and women, such as Lillian BeVier, Frederic Moreno, and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, a the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating, and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. I happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end this year than expired at the end of the Bush Presidency.

Madam President, I rise today to express my pride and gratitude that the Violence Against Women Act of 2000 will pass the Senate today and soon become law. This important legislation provides tools that will help women in Utah and around the country who are victims of domestic violence break away from dangerous and destructive relationships and begin living their lives absent of fear.

I commend all of my fellow Senators and colleagues in the House of Representatives with whom I worked to ensure the Violence Against Women Act is reauthorized through the year 2005. The Republican and Democratic Senators and Representatives who worked to make sure that this legislation passed understood and understand that violence knows no boundaries and it can affect the lives of everyone.

This has been a truly bipartisan effort of which everyone can be extremely proud. Specifically, I thank Senator JOSEPH BIDEN for his unyielding commitment to this bill. His leadership and dedication has ensured VAWA's passage. I must say, though, that all along I remained more optimistic than he that we would pass this bill I promised him we would.

I want to take a moment to briefly summarize some of the important provisions in this legislation. First, the bill reauthorizes through fiscal year 2005 the key programs included in the original Violence Against Women Act, such as the STOP and Pro-Arrest grant programs. The STOP grant program has succeeded in bringing police and prosecutors, working in close collaboration with victim services providers, into the fight to end violence against women. The STOP grants were revised to engage State courts in fighting violence against women by targeting funds to be used by these courts for the training and education of court personnel, technical assistance, and technological improvements.

The Pro-Arrest grants have helped to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders. These grants have been expanded to include expressly the enforcement of protection orders as a focus for the grant program funds. The changes also make the development and enhancement of data collection and sharing systems to promote enforcement of protection orders a funding priority. Another improvement requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate the filing and service of protection orders without cost to the victim in both civil and criminal cases.

Additionally, the legislation reauthorizes the National Domestic Violence Hotline and rape prevention and education grant programs. It also contains three victims of child abuse programs, including the court-appointed special advocate program. The Rural Domestic Violence and Child Abuse Enforcement Grants are reauthorized through 2005. This direct grant program, which focuses on problems particular to rural areas, will specifically help Utah and other states and local governments with large populations living in rural areas.

Second, the legislation includes targeted improvements that our experience with the original Act has shown to be necessary. For example, VAWA authorizes grants for legal assistance for victims of domestic violence, stalking, and sexual assault. It provides funding for transitional housing assistance, an extremely crucial complement to the shelter program, which was suggested early on by persons in my home state of Utah. It also improves full faith and credit enforcement and computerized tracking of protection orders by prohibiting notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Another important addition to the legislation expands several key grant programs to cover violence that arises in dating relationships. Finally, it makes important revisions to the immigration laws to protect battered immigrant women.

There is no doubt that women and children in my home state of Utah will benefit from the improvements made in this legislation. Mr. President, this is the type of legislation that can effect positive changes in the lives of all Americans. It provides assistance to battered women and their children when they need it the most. It provides hope to those whose lives have been shattered by domestic violence.

I am proud to have worked with the women's groups in Utah and elsewhere in seeing that VAWA is reauthorized. With their help, we have been able to make targeted improvements to the original legislation that will make crucial services better and more available to women and children who are trapped in relationships of terror. I am proud of this achievement and what it will do to save the lives of victims of domestic violence.

In closing, I again want to thank Senators BIDEN and ABRAHAM, Congressman BILL MCCOLLUM, and Congresswoman CONNIE MORELLA for their leadership on and dedication to the issue of domestic violence. Legislators from both sides of the aisle in both

Houses of Congress have been committed to ensuring that this legislation becomes law. I am proud to have worked with my fellow legislators to achieve this goal, which will bring much needed assistance to the victims of domestic violence.

Madam President, I am not just talking about violence against women legislation and the work that Senator BIDEN and I have done through the years to make it a reality. I actually worked very hard in my home State to make sure we have women-in-jeopardy programs, battered women shelters, psychiatric children programs, and other programs of counseling, so that they can be taken care of in conjunction with the Violence Against Women Act and the moneys we put up here. In fact, we hold an annual charitable golf tournament that raises between $500,000 and $700,000 a year, most of which goes for seed money to help these women-in-jeopardy programs, children's psychiatric, and other programs in ways that will help our society and families.

I believe in this bill. I believe it is something we should do. I think everybody ought to vote for it, and I hope, no matter what happens today, we pass this bill, get it into law, and do what is right for our women and children—and sometimes even men who are also covered by this bill because it is neutral. But I hope we all know that it is mostly women who suffer. I hope we can get this done and do it in a way that really shows the world what a great country we live in and how much we are concerned about women, children, families, and doing something about some of the ills and problems that beset us.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds remaining.

Mr. HATCH. Madam President, let me use 1 more minute, and I will make a couple more comments. I want to express my strong support for the underlying bill in this conference report dealing with victims of sex trafficking. I am proud to have worked with my colleagues on the Foreign Relations Committee, led by Senators BROWNBACK and WELLSTONE for much of this past summer, on the significant criminal and immigration provisions in this legislation. This is an important measure that will strengthen the ability of law enforcement to combat international sex trafficking and provide needed assistance to the victims of such trafficking. I think we can all be very proud of this effort.

Before I conclude, Mr. President, I want to thank all of the committed staff members on both sides of the aisle and on several committees for their talented efforts to get this legislation done.

First, on Senator BIDEN'S staff, I thank Alan Hoffman, chief of Staff for his tireless commitment, as well as current counsel Bonnie Robin-Vergeer and former counsel Sheryl Walters. They are truly professionals.

On Senator ABRAHAM'S staff, I'd like to thank Lee Otis, and her counterpart on Senator KENNEDY's staff, Esther Olavarria.

On the Foreign Relations Committee, I'd like to express my thanks to staff Director Biegun and the committed staffs of Senator BROWNBACK and WELLSTONE, including Sharon Payt and Karen Knutson.

And finally, Mr. President, there are many dedicated people on my own staff who deserve special recognition. I thank my chief counsel and staff director, Manus Cooney, as well as Sharon Prost, Maken Delrahim, and Leah Belaire.

I ask unanimous consent that a joint managers' statement be printed in the RECORD.

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

Mr. President, we are very pleased that the Senate has taken up and passed the Biden-Hatch Violence Against Women Act of 2000 today. We have worked hard together over the past year to produce a bipartisan, streamlined bill that has gained the support of Senators from Both sides of the aisle.

The enactment of the Violence Against Women Act in 1994 signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault. Today we renew that national commitment.

The original Act changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed federal dollars to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

These programs are not only popular, but more importantly, the Violence Against Women Act is working. The latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21 percent from 1993 (just prior to the enactment of the original Act) to 1998.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups. The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children.

Not surprisingly, the support for the bill is overwhelming. The National Association of Attorneys General has sent a letter calling for the bill's enactment signed by every state Attorney General in the country. The National Governors' Association support the bill. The American Medical Association. Police chiefs in every state Sheriffs. District Attorneys. Women's groups. Nurses, Battered women's shelters. The list goes on and on.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a ''private family matter,'' looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has past. Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants programs; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

(1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) Providing funding for transitional housing assistance;

(3) Improving full faith and credit enforcement and computerized tracking of protection orders;

(4) Strengthening and refining the protections for battered immigrant women;

(5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and

(6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

Although this Act does not extend the Violent Crime Reduction Trust Fund, it is the managers' expectation that if the Trust Fund is extended beyond Fiscal Year 2000, funds for the programs authorized or reauthorized in the Violence Against Women Act of 2000 would be appropriated from this dedicated funding source.

Several points regarding the provisions of Title V, the Battered Immigrant Women Protection Act of 2000, bear special mention. Title V continues the work of the Violence Against Women Act of 1994 (''VAWA'') in removing obstacles inadvertently interposed by our immigration laws that many hinder or prevent battered immigrants from fleeing domestic violence safely and prosecuting their abusers by allowing an abusive citizen or lawful permanent resident to blackmail the abused spouse through threats related to the abused spouse's immigration status. We would like to elaborate on the rationale for several of these new provisions and how that rationale should inform their proper interpretation and administration.

First, section 1503 of this legislation allows battered immigrants who unknowingly marry bigamists to avail themselves of VAWA's self-petition procedures. This provision is also intended to facilitate the filing of a self-petition by a battered immigrant married to a citizen or lawful permanent resident with whom the battered immigrant believes he or she had contracted a valid marriage and who represented himself or herself to be divorced. To qualify, a marriage

ceremony, either in the United States or abroad, must actually have been performed. We would anticipate that evidence of such a battered immigrant's legal marriage to the abuser through a marriage certificate or marriage license would ordinarily suffice as proof that the immigrant is eligible to petition for classification as a spouse without the submission of divorce decrees from each of the abusive citizen's or lawful permanent resident's former marriages. For an abused spouse to obtain sufficient detailed information about the date and the place of each of the abuser's former marriages and the date and place of each divorce, as INS currently requires, can be a daunting, difficult and dangerous task, as this information is under the control of the abuser and the abuser's family members. Section 1503 should relieve the battered immigrant of that burden in the ordinary case.

Second, section 1503 also makes VAWA relief available to abused spouses and children living abroad of citizens and lawful permanent residents who are members of the uniformed services or government employees living abroad, as well as to abused spouses and children living abroad who were abused by a citizen or lawful permanent resident spouse or parent in the United States. We would expect that INS will take advantage of the expertise the Vermont Service Center has developing in deciding self-petitions and assign it responsibility for adjudicating these petitions even though they may be filed at U.S. embassies abroad.

Third, while VAWA self-petitioners can include their children in their applications, VAWA cancellations of removal applicants cannot. Because there is a backlog for applications for minor children of lawful permanent residents, the grant of permanent residency to the applicant parent and the theoretical available of derivative status to the child at that time does not solve this problem. Although in the ordinary cancellation case the INS would not seek to deport such a child, an abusive spouse may try to bring about that result in order to exert power and control over the abused spouse. Section 1504 directs the Attorney General to parole such children, thereby enabling them to remain with the victim and out of the abuser's control. This directive should be understood to include a battered immigrant's children whether or not they currently reside in the United States, and therefore to include the use of his or her parole power to admit them if necessary. The protection offered by section 1504 to children abused by their U.S. citizen or lawful permanent resident parents is available to the abused child even though the courts may have terminated the parental rights of the abuser.

Fourth, in an effort to strengthen the hand of victims of domestic abuse, in 1996 Congress added crimes of domestic violence and stalking to the list of crimes that render an individual deportable. This change in law has had unintended negative consequences for abuse victims because despite recommended procedures to the contrary, in domestic violence cases many officers still makes dual arrests instead of determining the primary perpetrator of abuse. A battered immigrant may well not be in sufficient control of his or her life to seek sufficient counsel before accepting a plea agreement that carries little or no jail time without understanding its immigration consequences. The abusive spouse, on the other hand, may understand those consequences well and may proceed to turn the abuse victim in to the INS.

To resolve this problem, section 1505(b) of this legislation provides the Attorney General with discretion to grant a waiver of deportability to a person with a conviction for a crime of domestic violence or stalking that did not result in serious bodily injury and that was connected to abuse suffered by a battered immigrant who was not the primary perpetrator of abuse in a relationship. In determining whether such a waiver is warranted, the Attorney General is to consider the full history of domestic violence in the case, the effect of the domestic violence on any children, and the crimes that are being committed against the battered immigrant. Similarly, the Attorney General is to take the same types of evidence into account in determining under sections 1503(d) and 1504(a) whether a battered immigrant has proven that he or she is a person of good moral character and whether otherwise disqualifying conduct should not operate as a bar to that finding because it is connected to the domestic violence, including the need to escape an abusive relationship. This legislation also clarifies that the VAWA evidentiary standard under which battered immigrants in self-petition and cancellation proceedings may use any credible evidence to prove abuse continues to apply to all aspects of self-petitions and VAWA cancellation as well as to the various domestic violence discretionary waivers in this legislation and to determinations concerning U visas.

Fifth, section 1505 makes section 212(i) waivers available to battered immigrants on a showing of extreme hardship to, among others, a ''qualified alien'' parent or child. The reference intended here is to the current definition of a qualified alien from the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, found at 8 U.S.C. 1641.

Sixth, section 1506 of this legislation extends the deadline for a battered immigrant to file a motion to reopen removal proceedings, now set at 90 days after the entry of an order of removal, to one year after final adjudication of such an order. It also allows the Attorney General to waive the one year deadline on the basis of extraordinary circumstances or hardship to the alien's child. Such extraordinary circumstances may include but would not be limited to an atmosphere of deception, violence, and fear that make it difficult for a victim of domestic violence to learn of or take steps to defend against or reopen an order of removal in the first instance. They also include failure to defend against removal or file a motion to reopen within the deadline on account of a child's lack of capacity due to age. Extraordinary circumstances may also include violence or cruelty of such a nature that, when the circumstances surrounding the domestic violence and the consequences of the abuse are considered, not allowing the battered immigrant to reopen the deportation or removal proceeding would thwart justice or be contrary to the humanitarian purpose of this legislation. Finally, they include the battered immigrant's being made eligible by this legislation for relief from removal not available to the immigrant before that time.

Seventh, section 1507 helps battered immigrants more successfully protect themselves from ongoing domestic violence by allowing battered immigrants with approved self-petitions to remarry. Such remarriage cannot serve as the basis for revocation of an approved self-petition or rescission of adjustment of status.

There is one final issue that has been raised, recently, which we would like to take this opportunity to address, and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this reauthorizing legislation. The original Act was enacted in 1994 to respond to the serious and escalating problem of violence against women. A voluminous legislative record compiled after four years of congressional hearings demonstrated convincingly that certain violent crimes, such as domestic violence and sexual assault, disproportionally affect women, both in terms of the sheer number of assaults and the seriousness of the injuries inflicted. Accordingly, the Act, through several complementary grant programs, made it a priority to address domestic violence and sexual assault targeted at women, even though women, of course, are not alone in experiencing this type of violence.

Recent statistics justify a continued focus on violence targeted against women. For example, a report by the U.S. Department of Justice, Bureau of Justice Statistics issued in May 2000 on Intimate Partner Violence confirms that crimes committed against persons by current or former spouses, boyfriends or girlfriends—termed intimate partner violence—is ''committed primarily against women.'' Of the approximately 1 million violent crimes committed by intimate partners in 1998, 876,340, or about 85 percent, were committed against women. Women were victims of intimate partner violence at a rate about 5 times that of men. That same year, women represented nearly 3 out of 4 victims of the 1,830 murders attributed to intimate partners. Indeed, while there has been a sharp decrease over the years in the rate of murder of men by intimates, the percentage of female murder victims killed by intimates has remained stubbornly at about 30 percent since 1976.

Despite the need to direct federal funds toward the most pressing problem, it was not, and is not, the intent of Congress categorically to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. The Act defines such key terms as ''domestic violence'' and ''sexual assault,'' which are used to determine eligibility under several of the grant programs, including the largest, the STOP grant program, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program.

We anticipate that the executive branch agencies responsible for making grants under the Act, as amended, will continue to administer these programs so as to ensure that men who have been victimized by domestic violence and sexual assault will receive benefits and services under the Act, as appropriate.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V.

Thank you.

Mr. HATCH. Madam President, I ask unanimous consent that two section-by-section summaries of the Violence Against Women Act be printed in the RECORD.

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

DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000—SECTION-BY-SECTION SUMMARY

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

Restates the definitions ''domestic violence'' and ''sexual assault'' as currently defined in the STOP grant program.

Sec. 1003. Accountability and Oversight

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement or protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

Sec. 1103. STOP Grants Reauthorization

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. (''STOP'' means ''Services and Training for Officers and Prosecutors''). Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of ''underserved populations'' and adds additional purpose areas for which grants may be used.

Authorization level is $185 million/year (FY 2000 appropriation was $206.75 million (including a $28 million earmark for civil legal assistance)).

Sec. 1104. Pro-Arrest Grants Reauthorization

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $65 million/year (FY 2000 appropriation was $34 million).

Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $40 million/year (FY 2000 appropriation was $25 million).

Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is $3 million/year (FY 1998 appropriation was $2.75 million).

Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of ''interstate or foreign commerce language.'' Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the ''harm required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of ''protection order'' to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate ''cyber-stalking'' that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

Sec. 1108. School and Campus Security

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates ''dating violence'' into purpose areas for which grants may be used. Amends the definition of ''victim services'' to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is $10 million/year (FY 2000 STOP grant appropriation included a $10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is $30 million/year.

Sec. 1109. Dating Violence

Incorporates ''dating violence'' into certain purposes areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines ''dating violence'' as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term ''legal assistance'' to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, ''administrative agency'' refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is $40 million/year (FY 2000 STOP grant appropriation included a $28 million earmark for this use).

Sec. 1202. Expanded Shelter for Battered Women and Their Children

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with increased funding to provide more shelter space to assist the tens of thousands who are being turned away.

Authorization level is $175 million/year (FY 2000 appropriation was $101.5 million).

Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is $25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception.

Authorization level is $2 million/year (FY 2000 appropriation was $2 million).

Sec. 1205. Federal Victims Counselors Grants Reauthorization

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is $1 million/year (FY 1998 appropriation was $1 million).

Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women.

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

Sec. 1207. Study of Workplace Effects from Violence Against Women

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

Sec. 1208. Study of Unemployment Compensation For Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

Sec. 1209. Enhancing Protections for Older and Disabled Women from Domestic Violence and Sexual Assault.

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is $5 million/year.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 1301. Safe Havens for Children Pilot Program

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is $15 million for each year.

Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are $12 million/year for the special advocate programs, $2.3 million/year for the judicial personnel training program, and $1 million/year for televised testimony (FY 2000 appropriations were $10 million, $2.3 million, and $1 million respectively).

Sec. 1303. Report on Parental Kidnapping Laws

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnapping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization level is $200,000.

TITLE IV—STRENGTHENING EDUCATION & TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 1401. Rape Prevention and Education Program Reauthorization

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is $80 million/year (FY 2000 appropriation was $45 million).

Sec. 1402. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is $7.5 million/year.

Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is $6 million/year (FY 2000 appropriation was $6 million).

Sec. 1404. Development of Research Agenda Identified under the Violence Against Women Act.

Requires the Attorney General to direct the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Sciences report ''Understanding Violence Against Women,'' which was produced under a grant awarded under the original Violence Against Women Act. Authorization is for such sums as may be necessary to carry out this section.

Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professions performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is $200,000 for FY 2001.

Sec. 1406. Education and Training for Judges and Court Personnel.

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing $1,500,000 each year through 2005 for grants for education and training for judges and court personnel instate courts, and $500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

Sec. 1407. Domestic Violence Task Force

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is $500,000.

TITLE V—BATTERED IMMIGRANT WOMEN

Strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of ''catch-22'' policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

TITLE VI—MISCELLANEOUS

Sec. 1601. Notice Requirements for Sexually Violent Offenders

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under the Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Sec. 1602. Teen Suicide Prevention Study

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

Designates the calendar decade beginning January 1, 2001, as the ''Decade of Pain Control and Research.''

TITLE V, THE BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 2000—SECTION-BY-SECTION SUMMARY

Title V is designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse form reporting abuse or living the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek ''cancellation of removal,'' a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

Sec. 1501. Short Title.

Names this title the Battered Immigrant Women Protection Act of 2000.

Sec. 1502. Findings and Purposes

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women.

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer ''extreme hardship'' if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994.

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parents); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and (5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the time INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and has sufficient freedom of movement to ''game the system'', presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal

proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse and child file petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

Sec. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal (''suspension of deportation'' rather than ''cancellation of removal'') for pre-IIRIRA cases.

Sec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relatives them of Cuban Adjustment Act showing that they are residing with their spouse/parent.

Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1512. Access to Services and Legal Representation for Battered Immigrants

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grants applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

Mr. HATCH. The sex trafficking conference report also contains legislation known as ''Aimee's law.'' The purpose of Aimee's law is to encourage States to keep murderers, rapists, and child molesters incarcerated for long prison terms. Last year, a similar version of Aimee's law passed the Senate 81 to 17, and Aimee's law passed the House of Representatives 412 to 15.

This legislation withholds Federal funds from certain States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms. Aimee's law operates as follows: In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from Federal law enforcement assistance funds, the incarceration and prosecution cost of the other State. In such cases, the Attorney General would transfer the Federal law enforcement funds from the designated State to the subsequent State.

A State is a designated State and is subject to penalty under Aimee's law if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all States; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. In determining the latter factor, if the State has an indeterminate sentencing system, the lower range of the sentence shall be considered the prison term. For example, if a person is sentenced to 10-to-12 years in prison, then the calculation is whether the person served 85 percent of 10 years.

The purpose of Aimee's law is simple: to increase the term of imprisonment for murderers, rapists, and child molesters. In this respect, Aimee's law is similar to the Violent-Offender-and-Truth-in-Sentencing Program and the Sentencing Reform Act of 1984. Since 1995, the Truth-in-Sentencing Program has provided approximately $600 million per year to States for prison construction. In order to receive these funds, States had to adopt truth-in-sentencing laws that require violent criminals to serve at least 85 percent of their sentences. As a result of such sentencing reforms, the average time served by violent criminals in State prisons increased more than 12 percent since 1993. Similarly, the Sentencing Reform Act of 1984 created the Federal sentencing guidelines and increased sentences for Federal inmates. I am proud to have supported both of these initiatives to increase prison terms for violent and repeat offenders.

Some will say that Aimee's law violates the principles of federalism, and in many respects, I am sympathetic to these arguments. However, I would note that Aimee's law does not create any new Federal crimes, nor does it expand Federal jurisdiction into State and local matters. Instead, this law uses Federal law enforcement assistance funds to encourage States to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms.

In conclusion, I would like to acknowledge the efforts of Senator SANTORUM. He has been a tireless champion of Aimee's law. Without his leadership, Aimee's law would not have been included in the sex trafficking conference report. The State of Pennsylvania should be proud to have such an able and energetic Senator.

My friend and colleague, the distinguished ranking member of the Judiciary Committee, has expressed frustration with certain legislative items being added to the sex trafficking conference report. I respect him for voicing his concerns. I too would have preferred to have each of the measures that were included in this sex trafficking conference report considered on their own. But we have witnessed, during this session of Congress, dilatory procedural maneuvering of the like I have never witnessed before in the Senate.

Several bills which have passed both the House and the Senate are being held up with threats to filibuster the appointment of conferees. Motions to proceed to legislation are routinely objected to. As chairman of the Judiciary Committee, I was not even given the courtesy of being told that there was a Democratic hold on my interstate alcohol bill until after I sought to include it in the sex trafficking conference report. The public even witnessed the spectacle of the minority joining with the majority to limit debate on, and the amendments to, the Hatch H–1B bill and then turning around to repeatedly try to add non-relevant amendments to the bill in clear violation of the Senate rules.

Just so the record is clear, there has been—and continues to be—an effort on the part of the minority to tie the Senate up in procedural knots and then accuse the majority of being unable to govern. That is their right under the rules. I do not recall engaging in similar tactics when Republicans were in the minority but I am confident there are instances where one could accuse of having engaged in similar dilatory tactics. But, I believe we eventually reached the point where our fidelity to the institution and our oaths of office transcended the short-term interests of ballot box legislating.

The Senate has previously passed the interstate alcohol bill and the Aimee's law legislation by overwhelming votes. Ironically, the one piece of legislation included in this bill which my colleagues on the other side of the aisle do not object to having been added is the Violence Against Women Act. This legislation has not been considered by the Senate, although I am confident had it been, it would have passed overwhelmingly.

In short, no one respects the rules of the Senate more than me, In the end, I hope the minority will rethink its tired and belabored efforts to prevent the Senate from doing the public's work. Then we can adjourn and return to our respective states where the intervening adjournment can be spent with the real people of America—the workers, the teachers, and students—instead of the pollsters and spin doctors which seem to be of paramount attention to too many of my colleagues.

Mr. President, today I am pleased by the likely passage tonight of S. 577, the Twenty-First Amendment Enforcement Act. Originally introduced on March 10, 1999, this legislation provides a mechanism that will finally enable states to effectively enforce their laws prohibiting the illegal interstate shipment of beverage alcohol.

At the outset, I should note that S. 577 has enjoyed overwhelming support on both sides of the aisle and in both the Senate and the House of Representatives.

Originally passed by the Senate as an amendment by Senator BYRD to the Juvenile Justice bill, S. 254, on a lopsided vote of 80–17 on May 18, 1999, a revised version of S. 577 bill passed out of the Judiciary Committee on a 17–1 vote on March 2, 2000. As of the time of final passage, there were 23 cosponsors of the bill in the Senate—12 Republicans and 11 Democrats.

In the House, the companion legislation to S. 577, H.R. 2031, sponsored by my friend from Florida, Representative JOE SCARBOROUGH, passed the House initially by a vote of 310–112 on August 3, 1999. H.R. 2031 was backed by a coalition of 45 cosponsors in the House.

What is included in the conference report is the version of S. 577 as passed by the Judiciary Committee in March. It is important to note that the legislation, as revised with some amendments in the Committee to address both the Wine Institute's and the American Vintners Association's concerns, even got the support of Senators FEINSTEIN and SCHUMER, the two most vocal early opponents of the legislation. We worked hard with representatives of the wineries on language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the Courts in reviewing State liquor laws. We were able to reach agreement and incorporated those changes in the bill. The Wine Institute and the Vintners Association both have written us that they are no longer oppose the legislation.

Let me get to the substance of the legislation, the purpose behind it and the history of this issue—both legislative and constitutional. I think it is important to fully understand this history to appreciate this legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. Interstate shipments of alcohol directly to consumers have been increasing exponentially—and, while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution. Unfortunately, that is exactly want is happening, and that is what this legislation will address.

All States, including the State of Utah, need to be able to address the sale and shipment of liquor into their State consistent with the Constitution. As my colleagues know, the Twenty First Amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol circumvent this State right.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law.

Now, I would like to say a few words on the history of this issue. As many of my colleagues know, debate over the control of the distribution of beverage alcohol has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or ''Prohibition,'' others were equally determined to repeal, circumvent or ignore those barriers. The passage of state empowering federal legislation such as the Webb-Kenyon Act and the Wilson Act were not sufficient, in and of themselves, to provide states with the power they needed to control the distribution of alcohol in the face of commerce clause challenges. It took the passage of a constitutional amendment—and the re-enactment of the Webb-Kenyon Act in 1935—to give states the power they needed to control the importation of alcohol across their borders.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up ''State stores'' to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

With passage of the ''Twenty-First Amendment Enforcement Act,'' the States will be empowered to fight illegal sales of alcohol—let me emphasize illegal. This legislation is particularly well-timed in that it comes on the heels of a powerful opinion uphold state rights under the 21st Amendment in the case of Bridenbaugh v. Freeman-Wilson, by respected jurist Frank Easterbrook and the Seventh Circuit Court of Appeals. In an opinion upholding a state's right to regulate the importation of alcohol and prohibit illegal sales, Judge Easterbrook cogently articulated the role of the 21st Amendment in the Constitutional framework:

> . . . the twenty-first amendment did not return the Constitution to its pre-1919 form. Section 2 . . . closes the loophole left by the dormant commerce clause, . . . No longer may the dormant commerce clause be read to protect interstate shipments of liquor from regulation; sec. 2 speaks directly to these shipments . . . No decision of the Supreme Court holds or implies that laws limited to the importation of liquor are problematic under the dormant commerce clause.

Some who would seek to avoid state and federal laws have erroneously complained that S. 577 will allow states to

enforce discriminatory state laws. These complaints are without merit. In actuality, failure to pass this bill would have had the effect of discriminating against in-state distributors by effectively giving out-of-state distributors de facto immunity from state regulation. Congress and the Constitution have recognized that States have a legitimate interest in being able to control the interstate distribution of alcohol on the same terms and conditions as they are able to control in-state distribution. As Judge Easterbrook pointed out:

> Indeed, all ''importation'' involves shipments from another state or nation. Every use of sec. 2 could be called ''discriminatory'' in the sense that plaintiffs use that term, because every statute limiting importation leaves intrastate commerce unaffected. If that were the sort of discrimination that lies outside state power, then sec. 2 would be a dead letter. . . . Congress adopted the Webb-Kenyon Act, and later proposed sec. 2 of the twenty-first amendment, precisely to remedy this reverse discrimination and make alcohol from every source equally amenable to state regulation.

That is exactly what S. 577 accomplishes. It simply ensures that all businesses, both in-state and out-of-state, are held accountable to the same valid laws of the state of delivery.

It is important to note that the Webb-Kenyon Act already prohibited the interstate shipment of alcohol in violation of state law. Unfortunately, that general prohibition lacked an appropriate enforcement mechanism, thus thwarting the states' ability to enforce their laws—those same laws they enacted pursuant to valid Constitutional authority under the Twenty-First Amendment—in state court proceedings through jurisdictional roadblocks. The legislation passed today removes that impediment to state enforcement by simply providing the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, with the ability to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Assures defendants of due process by requiring that no injunctions may be granted without notice to the defendants or an opportunity to be heard;
2. Assures defendants of due process by requiring that no preliminary injunction may be issued without proving: (a) irreparable injury, and (b) a probability of success on the merits;
3. Clarifies that injunctive relief only may be obtained—no damages, attorneys fees or other costs—may be awarded;
4. Assures that cases brought are truly interstate/federal in character by clarifying that in-state licensees and other authorized in-state purveyors, readily amenable to state proceedings, may not be subjected to federal injunctive actions;
5. Allows actions only against those who have violated or are currently violating state laws regulating the importation or transportation of intoxicating;
6. Notes that evidence from an earlier hearing on a request for a preliminary injunction—but from no other state or federal proceedings, may be used in subsequent hearings seeking a permanent injunction—conserving court resources but protecting a defendant's right to confront the evidence against him;
7. Ensures that S. 577 may not be construed to interfere with or otherwise modify the Internet Tax Freedom Act;
8. Provides for venue where the violation actually occurs—in the state into which the alcohol is illegally shipped.
9. Protects innocent interactive computer services (ICS's) and electronic communications services (ECS's) from the threat of injunctive actions as a result of the use of those services by others to illegally sell alcohol;
10. Prohibits injunctive actions involving the advertising or marketing (but not the sale, transportation or importation) of alcohol where such advertising or marketing would be lawful in the jurisdiction from which the advertising originates;
11. Requires that laws sought to be enforced by the states under S. 577 be valid exercises of authority conferred upon the states by the 21st Amendment and the Webb-Kenyon Act.

Madam President, contrary to some of the erroneous claims of some in the narrow opposition, I want to reemphasize that S. 577 is intended to assist the states in the enforcement of constitutionally-valid state liquor laws by providing them with a federal court forum. We are not stopping Internet or for that matter, any, legal sales of alcohol. Indeed, there is no objection to this legislation by a host of companies who sell wine over the Internet, such as Vineyards. The sole remedy available under the bill is injunctive relief—that is, no damages, no civil fines, and no criminal penalties may be imposed solely as a result of this legislation.

We specifically included rules of construction language in subsection 2(e) stating that this legislation ''shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power invested in the States'' under the Twenty-First Amendment as that Amendment has been interpreted by the U.S. Supreme Court ''including interpretations in conjunction with other provisions of the Constitution.'' This bill is not to be construed as granting the States any additional power beyond that.

Consequently, the state power vested under the Twenty-First Amendment, as I have discussed above, is appropriately interpreted with and against other rights and privileges protected by the Constitution, as the Supreme Court does in every case. It should also be made clear that by enacting S. 577, we are not passing on the advisability or legal validity of the various state laws regulating alcoholic beverages, which continue to be litigated in the courts, and should appropriately be a matter for the courts to decide.

COLLOQUY ON 21ST AMENDMENT ENFORCEMENT ACT

Mrs. BOXER. Madam President, I have strong misgivings about one part of the conference report we are about to consider. The provisions relating to interstate sales of alcoholic beverages, known as the 21st Amendment Enforcement Act, would dramatically reduce the ability of small wineries in my state to market their products across the country.

These wineries are small, independent, often family-owned, operations. They are the ''little guys'' in the winemaking industry. They need to sell their products directly to consumers around the country, and the Internet, especially, holds great promise for their future economic success.

Already, some of them have been hurt by state laws banning interstate sales of wine. The Matanzas Greek Winery in Sonoma County estimates that it is turning away around $8,000 a month in direct sales from consumers who had visited the winery and hoped to place orders from their homes in other states.

I am very concerned that the 21st Amendment Enforcement Act will make it even more difficult for these ''little guys'' to compete in the wine business.

I would like to ask the distinguished chairman of the Judiciary Committee, Senator HATCH, whether he would consider the impact of this legislation on my small wineries. Would the senator be willing, after the legislation has been on the books for a year or so, the review its impact on small wineries and to work with me to make such amendments as are necessary to take care of them?

Mr. HATCH. Madam President, I would be happy to consider this issue after next year and examine the legislation's impact on small wineries. I respect my colleagues from California's commitment to their constituents. I must reemphasize, however, that this legislation does nothing to hurt the so-called small wineries in competing or marketing their products in the wine business. I worked hard for over a year with the wine industry to ensure that the legislation does not have any unintended consequences, and want to reassure my colleague from California that

the version of the legislation that is included in the conference report incorporates revisions made in the committee to address both the Wine Institute's and the American Vintners Association's concerns. We also included language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the courts in reviewing state liquor laws. I should also not that the Wine Institute and the Vintners Association, as well as numerous Internet commerce companies, have written us that they no longer oppose the legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. I hope the distinguished Senator from California knows that while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution—and I should add that I don't think that Senator BOXER subscribes to that notion either.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law, and only allows the attorney general of a state to go to Federal court to enforce its laws. It is just a jurisdictional legislation and does not allow or prohibit any sales or marketing by any winery, large or small.

Having said that, I do hear the concerns by Senator BOXER and am willing to consider the impact of this legislation after the law has been on the books for a year or so, as my colleague has asked. I look forward to working with her to insure that this legislation does not harm small wineries which comply with the law.

Mrs. BOXER. I thank the Senator for his interest and concern, and for his commitment to review the impact of the 21st Amendment Enforcement Act on small wineries in the future.

Mr. HATCH. Madam President, I yield the remainder of my time to the Senator from Pennsylvania.

AIMEE'S LAW

Mr. SANTORUM. Madam President, I rise in strong support of the Trafficking Victims Protection Act conference report, H.R. 3244, which in addition to seeking to end the trafficking of women and children into the international sex trade, slavery and force labor also includes major provisions reauthorizing the Violence Against Women Act, providing justice for victims of terrorism, and Aimee's law.

One of the most disturbing human rights violations of our time is trafficking of human beings, particularly that of women and children, for purposes of sexual exploitation and forced labor. Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by economic collapse, civil wars, or fundamental changes in political geography have fallen prey to traffickers. According to the Department of State, approximately 1-2 million women and girls are trafficked annually around the world.

I commend Senator SAM BROWNBACK and Senator PAUL WELLSTONE for their bipartisan leadership on the International Trafficking of Women and Children Victim Protection Act. The bill specifically defines ''trafficking'' as the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport, purchase, sell, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude or slavery-like conditions. Using this definition, the legislation establishes within the Department of State an Interagency Task Force to Monitor and Combat Trafficking. The Task Force would assist the Secretary of State in reporting to Congress the efforts of the United States government to fight trafficking and assist victims of this human rights abuse. In addition, the bill would amend the Immigration and Nationality Act to provide for a non-immigrant classification for trafficking victims in order to better assist the victims of this crime.

Senator ORRIN HATCH and Senator JOE BIDEN introduced S. 2787, the Violence Against Women Act. This bipartisan bill would reauthorize federal programs which have recently expired for another five years to prevent violence against women. It seeks to strengthen law enforcement to reduce these acts of violence, provide services to victims, strengthen education and training to combat violence against women and limit the effects of violence on children. I am an original cosponsor of this important legislation which has been endorsed by the National Association of Attorneys General, the National Governor's Association, and the American Medical Society. On September 26, the House of Representatives passed its version of the Violence Against Women Act, H.R. 1248, by a vote of 415 to 3. I am pleased that this important legislation is included in the Sex Trafficking conference report which passed the House of Representatives on October 6 by a 371–1 vote margin.

The reauthorization legislation also creates new initiatives including transitional housing for victims of violence, a pilot program aimed at protecting children during visits with parents accused of domestic violence, and protections for elderly, disabled, and immigrant women. The bill also would provide grants to reduce violent crimes against women on campus and extend the Violent Crime Reduction Trust Fund. It authorizes over $3 billion over five years for the grant programs. As a Member of the House of Representatives in the 103rd Congress, I supported H.R. 1133, the original Violence Against Women Act, offered by Representative Pat Schroeder of Colorado. Since FY1995, VAWA has been a major source of funding for programs to reduce rape, stalking, and domestic violence. I am also very pleased that my own legislation to strengthen incentives for violent criminals, including rapists and child molesters, to remain in prison and hold states accountable is included in the conference report.

Aimee's law was prompted by the tragic death of a college senior Aimee Willard who was from Brookhaven, Pennsylvania near Philadelphia. Arthur Bomar, a convicted murderer was early paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this heinous crime in Delaware County, PA. Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration to me and countless others.

This important legislation would use federal crime fighting funds to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws by holding states financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another state. Specifically, Aimee's law will redirect enough federal crime fighting dollars from a state that has released early a murderer, rapist, or child molester to pay the prosecutorial and incarceration costs incurred by a state which has had to reconvict this released felon for a similar heinous crime. More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of those very same crimes. Convicted murderers, rapists, and child molesters who are released from prisons and cross state lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children.

Recidivism rates for sexual predators are the highest of any category of violent crime. Despite this, the average

time served for rape is only five and one half years, and the average time served for sexual assault is under four years. Also troubling is the fact that thirteen percent of convicted rapists receive no jail time at all. We have more than 130,000 convicted sex offenders right now living in our communities because of the leniency of these systems. The average time served for homicide is just eight years. Under Aimee's law, federal crime fighting funds are used to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws.

This legislation is endorsed by Gail Willard, Aimee's mother, Marc Klass, Fred Goldman, and numerous organizations such the National Fraternal Order of Police, the National Rifle Association, and the Law Enforcement Alliance of America. 39 victims' rights organizations also support Aimee's law including Justice For All, the National Association of Crime Victims' Rights, the Women's Coalition, and Kids Safe. These groups consider Aimee's law one of their highest priority bills. It sends a message that if a state has very lenient sentencing it impacts other states and crime victims in those states as well.

I first offered Aimee's law as an amendment to the juvenile justice bill on May 19, 1999, which passed the Senate by a 81–17 vote margin. Congressman MATT SALMON also offered the legislation as an amendment in the House of Representatives on June 16, 1999, which passed by a 412–15 vote. Due to a lack of progress on the conference report it became necessary to move the legislation separately. On May 11, I joined Aimee's mother Gail at a hearing of the U.S. House Subcommittee on Crime, to urge the House to approve legislation separately to keep sexual predators behind bars. The House of Representatives subsequently passed the legislation again by a unanimous voice vote.

Aimee's law is an appropriate way to protect the citizens of one state from inappropriate early releases of another state. One of the forty plus national organizations supporting Aimee's law, the National Fraternal Order of Police, said the following.

One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies averted if we have the will to keep these predators locked up. Aimee's Law addresses this issue smartly, with Federalizing crimes and without infringing on the State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murders, rapists, and child molesters to prey again on the innocent.

We have made several modest changes to address implementation concerns by the states in the effort to achieve the best protection possible for our citizens. These include (1) Definitions: utilizing the definitions for murder and rape of part I of the Uniform Crime Reports of the FBI and for dangerous sexual offenses utilizing the definitions of chapter 109A of title 18- to provide for uniform comparisons across the states; (2) Sentencing Comparisons: Eliminating the additional 10 percent requirement and utilizing a national average for sentencing only as a benchmark; (3) Study: Also building into the process a study evaluating the implementation and effect of Aimee's Law in 2006; (4) Source of Funds: Provides states the flexibility to choose the source of federal law enforcement assistance funds (except for crime victim assistance funds); (5) Implementation: Delays the implementation of Aimee's Law to January 1, 2002 to allow states the opportunity to make any modifications that they would choose to do; and (6) Indeterminate Sentencing States: Safe harbor for states with sentencing ranges allows for the use of the lower number in the calculation (e.g. if sentencing guideline is 10–15 years, 10 years will be utilized.)

We are sending a clear message with Aimee's law. We want tougher sentences and we want truth in sentencing. A child molester who receives four years in prison, when you consider the recidivism rate, is an abomination. Murders, rapists, and child molesters do not deserve early release; our citizens deserve to be protected. In this legislation we are protecting one state's citizens from the complacency of another state, and appropriate role for the federal government. I want to thank my colleagues for their support and urge the passage of this legislation.

Madam President, I ask unanimous consent that the statement of Gail Willard be printed in the RECORD, along with the list of endorsements.

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

TESTIMONY OF GAIL WILLARD BEFORE THE CRIME SUBCOMMITTEE

It has been one thousand four hundred twenty one days since Aimee's murder. This nightmare began on June 20, 1996. At 4:45 AM, I was awakened by a phone call—something every parent dreads and hopes will never happen to them. I was told that the police had found my car on the ramp of a major highway. The car engine was running; the driver's side door was open; the headlights were on; the radio was playing loudly; and there was blood in front of and next to the car. Who was the driver? Where was the driver? That night, my beautiful twenty-two year old daughter, Aimee, had my car. She had gone to a reunion with high school friends, and now she was missing. Late that afternoon Aimee's body was found in a trash-strewn lot in the ''badlands'' of North Philadelphia. She had been raped and beaten to death.

Aimee was a wonder, a delight, a brilliant light in my life. With dancing blue eyes and a bright, beautiful smile, she drew everyone who knew her into the web of her life. She would light up a room just by walking into it. She could run like the wind, and she enjoyed the game—every game. She had friends and talents and dreams for a spectacular future, so it seemed only natural and right to believe that she would live well into old age. Never one to complain when things didn't go her way, Aimee always worked and played to the best of her ability, happy with her successes, taking her failure in stride. Aimee lived and loved well. She never harmed anyone; in fact, Aimee rarely ever spoke ill of anyone. She was almost too good to be true. On June 20, 1996, at age twenty-two years and twelve days. Aimee was robbed of her life, and our family was robbed of the joy and love and innocent simplicity that were Aimee's special gift to us. We will never be the same. There is an ache deep within each one of us—and ache that cries out, ''Why God? Why?''

''Just Do It'' was Aimee's motto. She never worried about what she could not do well; she put her energy into doing what she could do well. In athletics, Aimee took her God-given talents and worked them to perfection. For college Aimee accepted a scholarship to play soccer for George Mason University in Fairfax, Virginia. In her sophomore year, she joined the lacrosse team. A two sport Division 1 athlete, Aimee was on her way to becoming a legend at George Mason University. In the spring of 1996, the spring before she was murdered, Aimee led her lacrosse conference, scoring fifty goals with twenty-nine assists. In fact, 1995–96 was a banner year for Aimee. She was named to the Colonial Athletic Association All-Conference Team in both soccer and lacrosse, and to the All-American team for the Southeast region in lacrosse.

Aimee's athletic success is only part of her glory. Her friends describe her as a quiet presence, a fun-loving kid, a good listener, a loyal friend. They used words like shy, modest, kind, strong, focused, intense, caring, sharing and loving when they speak about Aimee. They tell of Aimee's magic with people. So that you will understand the impact her murder had on them, I want to share an excerpt from a letter one of her friends wrote to me.

''For the past few weeks my heart has been breaking for all of us in our devastating loss, but more recently I think my heart has been hurting a bit more for those who will never get the chance to know the woman who played two Division 1 sports, making the all-conference teams in both, and All-American in one. They will never meet the girl who was always being named 'Athlete of the Week' and had no idea that she was half the time. These people will never get the chance to argue with her over things like Nike vs. Adidas, Bubblicious vs. Bubble Yum, Coke vs. Cherry Coke, or whether certain professional athletes were over-rated. I am one of the fortunate ones. I have volumes of Aimee's memories. I know the beauty of those big blue eyes under a low brim of a Nike hat. I know the carefree serenity that gave birth to the goofy laugh. I witnessed her grace with grit, her passion with patience, her pride without arrogance, her speed without exhaustion, and her sweat that was enough to start an ocean. If I was given the opportunity to trade in all my present pain in exchange for never being able to say, 'Aimee was my teammate; Aimee was my friend,' I'd stick with the pain. The memory of her is so wonderful.''

It is impossible to adequately describe the impact of Aimee's murder on the countless people who knew her and loved her. We are all trying to survive the pain and emptiness

of this great loss. How often I turn to tell Aimee something silly or dumb when I'm watching one of our favorite television shows, or a basketball or football game, but she isn't there. I'm out shopping and I say, ''Aimee would look great in that outfit. I'll buy if for her.'' But Aimee will never wear a new outfit again. I will never have the joy of holding Aimee in my arms again, or of seeing her sparkling blue eyes, freckled nose and bright smile. I will never know the children Aimee dreamed of having, or the children Aimee dreamed of coaching.

I do have wonderful memories of Aimee. Her life was wrapped in my love, and mine was wrapped in her love. Because of evil incarnate in Arthur Bomar, I now also have horrible nightmares of the fear, the absolute terror, Aimee must have known, and of the dreadful pain she was forced to endure. I who had been with Aimee in every facet of her life, every event big and small, was not there to protect her from the fear and the pain. I never had the chance to say good-bye. This despicable individual had condemned me, my other two children, the rest of our family and all of Aimee's friends who live with an ache deep in our hearts. The void can never be filled. The pain of the loss of Aimee is forever.

Aimee's life was ended on June 20, 1996, a night of total madness. She was kidnaped from her own car, raped, and then beaten to death—beaten so badly around the head and face that she was identified by the Nike swoosh tattoo on her ankle—beaten so badly that she had an empty heart when she was found. Every pint of blood had spilled from her body. The person who did this to Aimee is a convicted felon who was on parole.

Arthur Bomar was released from Nevada's prison system after serving only twelve years of a life sentence for murdering a man. While he was awaiting trial for the murder charge, he shot a woman. While he was in prison serving time for both these crimes, he assaulted a woman who was visiting him there. Despite all these violent crimes, and sentences even beyond the life sentence, Nevada released him after only twelve years. Did they think he was reformed? All they had to do was read his record to know that he wasn't. A reformed, contrite prisoner sentenced to life doesn't beat up a woman visitor. But he was released by Nevada, and he came to Pennsylvania and murdered my Aimee.

On October 1, 1998, Arthur Bomar was convicted of first degree murder, kidnaping, rape and abuse of a corpse. After the jury announced their decision for the death penalty, this reformed felon from Nevada raised his hand with his middle finger extended and shouted, ''F - - - you, Mrs. Willard, her brother and her sister.''

This kidnapper, rapist and murderer should never have been on the street in June of 1996. And Aimee Willard should be teaching and coaching, living and loving, spreading her joy among us. But she isn't. Her legacy will live on, however, in scholarship funds, aid to those in need, and a beautiful memorial garden on that lot in the ''badlands'' of North Philadelphia. Her legacy will live on because of Aimee's Law, the ''No Second Chances'' law proposed by Matt Salmon from Arizona and co-sponsored by Curt Weldon from Pennsylvania and many other Congressmen and Senators.

Our entire justice system, as I see it, cries out for reform. Our system lacks real truth in sentencing. Life in prison does not mean life. Murderers are returned to the streets to murder again. Willful murderers do not deserve a second chance. If ''Aimee's Law'' is passed in 2000, the States will have strong incentive to reform their parole systems and to keep predators in prison actually for life. If not, they will risk a reduction of federal funds if their paroled murderers cross state lines and commit another violent crime.

I am asking you, the members of the Sub-Committee on Crime, to support the passage of ''Aimee's Law'' if you want to stop the nightmare or convicted murderers continuing to murder. If this law is passed, our streets will be a little safer, some families will be spared the heartache we have suffered, and Aimee Willard's name, not the name of her killer, will be remembered forever. Please remember that Aimee has no second chance at life.

Thank you.

AIMEE'S LAW

Protects Americans from convicted murders, rapists, and child molesters by requiring states to pay the costs of prosecution and incarceration for a previously convicted criminal who travels to another state and commits a similar violent crime. The payment would come from federal law enforcement assistance funds chosen by the state. The legislation is designed to keep violent criminals with high recidivism rates in prison for most of their sentences consistent with the principles of truth in sentencing. The federal government needs to be involved to protect the citizens of one state from inappropriate early releases of another state such as occurred with Aimee Willard from the Philadelphia area, a college senior, who was kidnapped and brutally raped and murdered by a man who was released early from prison in Nevada. Passed the Senate last year 81–17; passed the House of Representative 412–15.

PARTIAL LIST OF ENDORSEMENTS

The National Fraternal Order of Police, Washington, DC.

Law Enforcement Alliance of America, Falls Church, Virginia.

KlaasKids Foundation, Sausalito, California.

Childhelp USA, Scottsdale, Arizona.

Kids Safe, Granada Hills, California.

Concerned Women for America, Washington, PC.

California Correctional Peace Officers Association (CCPOA), Sacramento, California.

National Rifle Association (N.R.A.), Falls Church, Virginia.

Doris Tate Crime Victims Bureau, Sacramento, California.

Mothers Outraged at Molesters Organization (M.O.M.s), Independence, Missouri.

Southern States Police Benevolent Association, Virginia.

Garland, Texas Police Department, Garland, Texas.

Action Americans—Murder Must End Now (A.A.M.M.E.N.), Marietta, Georgia.

Arizona Professional Police Officers, Association, Phoenix, Arizona.

Arizona Voice for Crime Victims, Phoenix, Arizona.

Association of Highway Patrolmen of Arizona, Tucson, Arizona.

California Protective Parents Association, Sacramento, California.

Christy Ann Fornoff Foundation, Mesa, Arizona.

Citizens and Victims for Justice Reform, Louisville, Kentucky.

Concerns of Police Survivors (C.O.P.S.), Missouri.

International Children's Rights Resource Center, Washington.

Justice for All, New York, New York.

Justice for Murder Victims, San Francisco, California.

Kids In Danger of Sexploitation (K.I.D.S.), Orlando, Florida.

McDowell County Sheriff's Department, Marion, North Carolina.

Memory of Victims Everywhere (M.O.V.E.), San Juan Capistrano, California.

National Association of Crime Victims' Rights, Portland, Oregon.

New Mexico Survivors of Homicide, Inc., Albuquerque, New Mexico.

Parents Legal Exchange Alliance, San Francisco, California.

Parents of Murdered Children, Cincinnati, Ohio.

Parole Watch, New York, New York.

Phoenix Law Enforcement Association, Phoenix, Arizona.

Protect Our Children, Cocoa, Florida.

Security On Campus, Inc., King of Prussia, Pennsylvania.

Speak Out for Stephanie (S.O.S.), Overland Park, Kansas.

Survivor Connections, Inc., Cranston, Rhode Island.

Survivors and Victims Empowered (S.A.V.E.), Lancaster, Pennsylvania.

Survivors of Homicide, Inc., Albuquerque, New Mexico.

Victims of Crime and Leniency (V.O.C.A.L.), Montgomery, Alabama.

The Women's Coalition, Pasadena, California.

ENDORSEMENTS FROM INDIVIDUALS:
(*INTERSTATE CASES)

Ms. Gail Willard (PA; mother of Aimee Willard, a college student raped and murdered by a released killer*)

Ms. Mary Vincent (WA; survivor of rape/attempted murder in CA; her attacker, released from prison, later killed a mother of three in Florida*)

Mr. Fred Goldman (CA; father of Ron Goldman, who was killed in CA along with Nicole Simpson)

Mr. Marc Klass (CA; father of Polly, who was molested and murdered in Nevada by a released sex offender)

Ms. Dianne Bauer (AK; daughter of Dr. Lester Bauer, who was murdered in Nevada by a released murderer*)

Ms. Jeremy Brown (NY; survivor of rape; her attacker had served time for murder*)

Ms. Trina Easterling (LA; mother of Lorin, an 11 year-old girl abducted, raped, and murdered, allegedly by Ralph Stogner, who had served time for raping a pregnant woman*)

Mr. Louis Gonzalez (NJ; brother of Ippolito ''Lee'' Gonzalez, a policeman murdered by a released killer*)

Ms. Dianne Marzan (TX; mother of daughters molested by an HIV-positive, released sex offender*)

The Pruckmayr family (PA; parents of Bettina, brutally stabbed 38 times in our nation's Capital by a paroled murderer)

Ms. Beckie Walker (TX; wife of TX Police Officer Gerald Walker, who was murdered by a released double-killer*)

Mr. Ray Wilson (CO; father of Brooklyn Ricks, who was raped and murdered by a released rapist*)

Mr. SANTORUM. In conclusion, Madam President, I thank Senator BROWNBACK for his great work and perseverance in bringing this crime-fighting package to the Senate to pass it and turn it into law quickly. Aimee's law was debated and considered here in the Senate during this session of Congress. It passed 81–17. It has passed the

House with over 400 votes. It is a provision that has very broad support. It is one of the No. 1 legislative provisions that the victims rights organizations in America would like to see done.

This is a piece of legislation that targets three types of offenders—murderers, rapists, and sex offenders, child molesters in particular. What this does is focus on those three because, obviously, they are three of the most heinous crimes on the books, but they are also crimes that have the highest incidence of repeat offenders, particularly the sexual crimes.

Aimee's law is given that name for Aimee Willard. She was a college student outside of Philadelphia who was raped and murdered by Arthur Bomar. Arthur Bomar was released from a Nevada prison after serving only a small fraction of his sentence for a similar crime. He was released, and within a few months he found his way to Philadelphia, where Aimee was out one evening. She was attacked, raped, and murdered. It was a case that sent shockwaves through southeastern Pennsylvania and the whole Delaware Valley. Aimee's mother, Gail, has been on a crusade since then to do something to make sure convicted rapists and murderers and other sex offenders serve their full sentences.

If you look at the sentences that are meted out for these crimes, it is somewhat chilling to realize that if you look at the sentences that are served for murder, for example, the average sentence for murder is 8 years. The average sentence for rape is 5½ years. This is the actual time they serve, and the actual time served for a sex or child molestation offense is 4 years.

We believe that you have a high incidence of recidivism in these crimes, and people need to serve longer sentences so they are not a threat to our communities. In fact, more than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who had been released after serving a sentence on one of those very same crimes. So 14,000 of these crimes are committed by people who have committed these crimes in the past, who were let go to commit a crime again.

What we believe and what we have suggested is, frankly, very modest. It is modest in the sense that it is, I argue, even for those 81 Senators who voted for this legislation the last time around—and some expressed concern that this was going to be too tough on the States—not as tough as it was before. We have changed it in ways that have made it a little less onerous on States to have to keep up with these provisions. We tightened the definitions more. We created flexibility for the States for them to choose which funds they would use.

This is basically what this proposal does. It says if you release someone from prison who has not served 85 percent of their sentence, or has served a sentence below the national average for the crimes that we enumerate, and that person goes out and commits a crime in another State, then the State in which the person has committed the second crime—the released felon commits a second crime—then it has a right to go to the original State who let this person out early and seek compensation for all the costs associated with the prosecution, conviction, and incarceration of that criminal.

That hardly seems like the overbearing Federal Government dictating to States how to run their criminal justice system. These are Federal funds. States can choose which Federal funds they can allocate for this purpose. But what it says is we need to get tougher in having tougher sentences and making sure that those sentences, when given, are served.

I don't believe that is too much to ask for this Congress, and I very strongly urge my colleagues to support this measure, and recognize that if this measure is not supported this bill will be dead and will have to start over again in the House of Representatives.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I yield myself 3 minutes. I want to recognize the leadership of my colleague from Pennsylvania, Senator SANTORUM, in this provision. This is something he fought for to put in this overall package, to keep in this overall package, and it was something when we started down this road, frankly, I was saying I want a little, clean, simple bill to deal with sex trafficking. And several Members on the House side, and Senator SANTORUM on this side, fought to put this in.

The more I studied this, the consistency of the flow was there with this. This is dealing with trying to protect people who have been subject to domestic crimes, domestic violence, to protect people who have been subject to trafficking and protect people who have been subject to, frankly, early release and high recidivism offenders in other States, such as what happened, unfortunately, in his State in the case of Aimee Willard.

I applaud my colleague's work. I note one other thing. Other colleagues look at this and raise questions about does this really fit within the overall package, and one can make their decision one way or the other. But the point is, if this is pulled out, the bill has to go back to the House. We don't have time, so it effectively kills the bill. The House has already voted 371–1 for this package. It is a package and if this gets pulled out, it has to go back to the House. The House is going out on Friday for a funeral of one of its Members. Tomorrow, it has its calendar set up. It kills the bill, so everything else gets killed as well, regardless of what the arguments are. I plead with colleagues and say let's look at this and go ahead and support the entire package and not support the motion to strike the Aimee's law provision.

Mr. BROWNBACK. Thank you, Madam President.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. BROWNBACK. Madam President, off whose time is the quorum call charged?

The PRESIDING OFFICER. It is the understanding of the Chair that, under the previous order, all quorum calls are being charged today to both sides equally.

Mr. BROWNBACK. I note for the record, as we put it in, it was charged against all sides equally because there are four people who have separate allotted time. It should be allocated equally to all of those.

The PRESIDING OFFICER. The Senator's understanding is correct. It will be so allocated.

Mr. BROWNBACK. Madam President, I note that we are planning on a vote at 4:30. Senator THOMPSON has the time reserved from 3:30 to 4:30. I note for my colleagues that if anybody wishes to speak on this particular bill, Senator THOMPSON has an entire hour reserved. Under the unanimous consent order, we immediately go to both votes—the vote on the appeal of the ruling of the Chair for Senator THOMPSON, and immediately we will go to a vote on final passage of the conference report.

If anybody seeks to speak on this bill, they should do so at the present time because otherwise it will be allocated to Senator THOMPSON.

I will use a couple of minutes of my time at this point. I note that within the bill there is the Justice for Victims of Terrorism Act that has been spoken of by Senator LAUTENBERG and Senator MACK, which seeks justice for victims of terrorism that is taking place. That is in the bill. I think it is an important part of the legislation. I hope we will have some discussion taking place on that as well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time, if any, is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seven minutes 48 seconds.

Mr. BIDEN. I ask the ranking member whether or not he is willing to yield additional time if I need it?

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. LEAHY. I yield the 6 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, what a difference a year makes. Last year, I came to the floor and indicated I thought in light of the resistance taking place regarding the Violence Against Women Act and its reauthorization and the Violence Against Women II Act, it would be a tough fight to renew and strengthen the Violence Against Women Act. Thanks to the help and support of a number of folks in and out of this Senate—from attorneys general in the various States, to police, to victims advocates, doctors, nurses, Governors, women's groups—I am proud to say we finally arrived at a point where the Violence Against Women Act 2000 is on the verge of passing the Senate as part of the sex trafficking conference report.

I thank particularly my good friend from Minnesota. Since he has arrived in the Senate, he has been the single strongest supporter I have had. Along with his wife, who is incredible, she has been the single most significant outside advocate for the Violence Against Women Act in everything that surrounds and involves it.

I dealt him a bit of advice. When I went to a conference on a bill he was working very mightily for, along with our friend and Republican colleague, the sex trafficking bill, which is a very important bill in and of itself—by itself it is important—if we were doing nothing else but passing that legislation that he and Senator BROWNBACK have worked so hard on, it would be a worthy day, a worthy endeavor for the Senate and the U.S. Government.

I realize people watching this on C–SPAN get confused when we use the ''Senate speak.'' We talk of conferences and conference reports and various types of legislation. The bottom line is, I was part of that agreement where we sat down with House Members and Senate Members to talk about the sex trafficking legislation. I didn't surprise him—I told him ahead of time, but I am sure I created some concern—by attempting to add the Violence Against Women Act to that legislation. We ultimately did.

It is the first time in the 28 years I have been in the Senate that I have gone to a conference and added a major piece of legislation in that conference, knowing that it might very well jeopardize the passage of the legislation we were discussing. And it is worthy legislation. I am a cosponsor. I can think of nothing—obviously, you would expect me to say that, being the author of this legislation—I can think of nothing of more consequence to the women of America and the children of America than our continuing the fight—and I am sure my friend from Minnesota agrees with me—regarding violence against women.

I thank Senator HATCH for working so hard with me to pass this legislation. This legislation was not a very popular idea on the other side of the aisle 8 years ago when we wrote this, and 6 years ago when we got close to passing it, and 5 years ago when we passed it. Senator HATCH stood up and led the way on the Republican side. And I thank my Republican colleagues, about 25 of whom—maybe more now—cosponsored it. I attribute that to Senator HATCH's leadership, and I thank him for that.

This legislation is very important. I will try as briefly as I can to state why it is important.

First of all, it reauthorizes the Violence Against Women Act of 1994, referred to as landmark legislation. I believe it is landmark legislation. It is the beginning of the end of the attitude in America that a woman is the possession of a man, that a woman is, in fact, subject to a man's control even if that requires ''physical force.'' This clearly states, and we stated it for the first time on record in 1994, that no man has a right under any circumstance other than self-defense to raise his hand to or to use any physical force against a woman for any reason at all other than self-defense.

One might think: Big deal; we all knew that. No, we didn't all know that. It has begun to shape societal attitudes. What has happened is that we have seen a decline of 21 percent in the violent acts committed by significant others against their spouses and/or girlfriends and/or mate. That is a big deal. What happens if we don't pass this today? The Violence Against Women Act goes out of existence. It is no longer authorized. So this is a big deal, a big, big deal.

No. 2, I promised when I wrote this legislation in 1994 that, after seeing it in operation, I would not be wedded to its continuation if it wasn't working, and that I would propose, along with others, things that would enhance the legislation. That is, places where there were deficiencies we would change the law and places where the law in place was useless or counterproductive, we would eliminate that provision of the law. We have kept that promise.

This legislation does a number of things. It makes improvements in what we call full faith and credit of enforcement orders. Simply stated, that means if a woman in the State of Maryland goes to court and says, ''This man is harassing me,'' or ''He has beaten me,'' or ''He has hurt me,'' and the court says that man must stay away from that woman and cannot get within a quarter mile—or whatever the restriction is—and if he does, he will go to jail, that is a protection order, a stay away order.

What happens in many cases when that woman crosses the line into the State of Delaware or into the State of Pennsylvania or into the District of Columbia and that man follows her, the court in that district does not enforce the stay away order from the other State for a number of reasons: One, they don't have computers that they can access and find out whether there is such an order; two, they are blase about it; or three, they will not give full faith and credit to it.

This creates a development and enhancement of data collection and sharing system to promote tracking and enforcement of these orders. Big deal.

Second, transition housing. This is a change. We have found that we have provided housing for thousands and thousands and thousands of women who have gotten themselves into a dilemma where they are victimized but have no place to go. So we, all of us in the Congress, have provided moneys for building credible and decent and clean shelters, homes for women where they can bring their children.

I might note parenthetically the majority of children who are homeless, on the street, are there because their mothers are the victim of abuse and have no place to go. So they end up on the street. We are rectifying that.

We found out there is a problem. There is a problem because there are more people trying to get into this emergency housing and there is no place for some of these women to go between the emergency housing—and they can't go back to their homes—and having decent housing. So we provide for a transition, some money for transition housing. In the interest of time, I will not go into detail about it.

Third, we change what we call incorporating dating violence into the purposes that this act covers, where there is a pro-arrest policy, where there are child abuse enforcement grants, et cetera. The way the law was written the first time, an unintended consequence of what I did when I wrote the law is, a woman ended up having to have an extended relationship with the man who was victimizing her in order to qualify for these services. That is an oversimplification, but that is the essence. If a woman was a victim of date rape, the first or second time she went out with a man of whom she was a victim, she did not qualify under the law for those purposes. Now that person would qualify.

We also provide legal assistance for victims of domestic violence and sexual harassment. We set aside some of the money in the Violence Against Women Act, hopefully through the trust fund which, hopefully, the Presiding Officer will insist on being part of this. We provide for women getting help through that system. We provide for safe havens for children, pilot programs.

As my friend from Minnesota knows, most of the time when a woman gets shot or killed in a domestic exchange, it is when she is literally dropping off a child at the end of the weekend. That is when the violence occurs. So we provide the ability for the child to be dropped off in a safe place, under supervised care—the father leaves, and then the mother comes and picks the child up and regains custody—because we find simple, little things make big, giant differences in safety for women. This also provides pilot programs relating to visitation and exchange.

We put in protective orders for the protection of disabled women from domestic violence. Also, the role of the court in combating violence against women engages State courts in fighting violence by setting aside funds in one of the grant programs.

And we provided a domestic violence task force. We also provide standards, practices, and training for sexual forensic examinations which we have been doing in my State, and other States have done, but nationwide they are not being done. So much loss of potential evidence is found when the woman comes back into court because they did not collect the necessary evidence at the time the abuse took place.

Also, maybe the single most important provision we add to the Violence Against Women Act is the battered immigrant women provision. This strengthens and refines the protections for battered immigrant women in the original act and eliminates the unintended consequence of subsequent charges in immigration law to ensure that abused women living in the United States with immigrant victims are brought to justice and the battered immigrants also escape abuse without being subject to other penalties.

There is much more to say.

We have worked hard together over the past year to produce a strong, bipartisan bill that has gained the overwhelming support of the Senate—with a total of 74 cosponsors. All of my Democratic colleagues are cosponsors, along with 28 of my Republican friends.

Passage of this bill today would not have been possible without the effort and commitment of the chairman of the Judiciary Committee, my friend ORRIN HATCH, who has dedicated years to addressing the scourge of violence against women.

I also want to take this opportunity to thank our committee's ranking member, Senator LEAHY, for his constant support of my efforts to bring this bill to a vote, and my friends in the House, Representatives JOHN CONYERS, ranking member of the House Judiciary Committee, and CONNIE MORELLA, for their leadership on this important legislation.

The need for this law is as clear today as it was more than a decade ago when I first focused on the problem of domestic violence and sexual assault.

Consider this: In my state of Delaware, I regret to report that more than 30 women and children have been killed in domestic violence-related homicides in the past three years.

No area or income-bracket has escaped this violence. To stop domestic violence beatings from escalating into violent deaths, more than one thousand police officers throughout Delaware—in large cities and small, rural towns alike—have received specialized training to deal with such cases.

Every State in this country now has similar police training, and the Violence Against Women Act is providing the necessary funding.

To ensure these officers collect evidence that will stand up in court, they are being armed with state-of-the-art instant cameras and video cameras.

The Violence Against Women Act is providing the necessary funding for these cameras—nationwide.

The National Domestic Violence Hotline handles 13,000 calls from victims per month and has fielded over half a million calls since its inception. The Violence Against Women Act is providing the necessary funding.

We are also working hard to create an army of attorneys nationwide who have volunteered to provide free legal services to victims—from filing a protection order, to divorce and custody matters. But many, many more women need legal assistance. The Violence Against Women Act of 2000, which is before us today, authorizes and provides the necessary funding to help victims of domestic violence, stalking, and sexual assault obtain legal assistance at little to no cost.

Don't take my word for the need for this legislation. You have heard from folks in your states. Listen to their stories and the programs they've put into place over the past five years since we passed the Violence Against Women Act in 1994—with overwhelming bipartisan support.

Unless we act now—and renew our commitment to stopping violence against women and children—our efforts and successes over the past five years will come to a screeching halt. The Violence Against Women Act expired September 30.

If the funding dries up—make no mistake—the number of domestic violence cases and the number of women killed by their husbands or boyfriends who profess to ''love'' them—will increase.

Domestic violence has been on a steady decline in recent years. U.S. Department of Justice statistics show a 21 percent drop since 1993.

Why?

From Alabama to Alaska—New Hampshire to New Mexico—Michigan to Maine—California to Kentucky—Delaware to Utah—police, prosecutors, judges, victims' advocates, hospitals, corporations, and attorneys are providing a seamless network of ''coordinated response teams'' to provide victims and their children the services they need to escape the violence—and stay alive.

In National City, California, family violence response team counselors go directly to the scenes of domestic violence cases with police.

Violence Against Women Act funds have facilitated changes from simple, common sense reforms—such as standardized police reporting forms to document the abuse . . . to more innovative programs, such as the Tri-State Domestic Violence Project involving North Dakota, Montana, and Wyoming. This project includes getting the word out to everyone from clergy to hairdressers to teachers—anyone who is likely to come into contact with a domestic violence victims—so that they can direct victims to needed housing, legal, and medical services. And the services and protections are offered across State lines.

Such coordinated projects have different names in different States—in Oregon, they have domestic violence intervention teams.

In Vermont they have ''PAVE.'' The Project Against Violent Encounters.

Washington State has developed ''Project SAFER''—which links attorneys with victims at battered women shelters to ''Stop Abuse and Fear by Exercising Rights.''

In Washington, D.C. they formed Women Empowered Against Violence—known as WEAVE—which provides a total package for victims, from legal assistance to counseling to case management through the courts.

Utah has developed the ''CAUSE'' project, or the Coalition of Advocates for Utah Survivors' Empowerment. It is a statewide, nonprofit organization that has created a system of community support for sexual assault survivors.

In Kansas, they've funded a program called ''Circuit Riders,'' who are advocates and attorneys who travel to rural parts of the State to fill the gaps in service.

Different names for these programs but the same funding source and inspiration—the Violence Against Women Act.

Experience with the act has also shown us that we need to strengthen enforcement of protection from abuse orders across state lines.

Candidly, a protection from abuse order is just one part of the solution. A

piece of paper will not stop a determined abuser with a fist, knife, or gun.

But look at what states like New York and Georgia are doing to make it easier—and less intimidating—for women to file for a protection from abuse order.

They have implemented a completely confidential system for a victim to file for a protection from abuse order without ever having to walk into a courtroom.

It is all on-line over the internet. After the victim answers a series of questions and describes the abuse, the information is deleted once transmitted to the court—with no information stored electronically.

This project is part of specialized domestic violence courts established in many states—where one judge handles the entire case—from protection orders, to divorce, custody, and probation issues.

The Center for Court Innovation is working with the New York courts to develop customized computer technology that will link the courts, police, probation officers, and social service agencies—so that everyone is on the same page, and knows exactly what's happening with a domestic violence case.

We need to take this technology nationwide. And the Violence Against Women Act of 2000 before us today will provide funding to states for such technology. and not all our solutions are high-tech.

To help victims enforce protection orders, states and cities across this country have teamed up with the cellular phone industry to arm victims with cell phones.

In my state of Delaware, I spearheaded a drive to collect two thousand used cell phones, so that every person with a protection from abuse order can get a cell phone programmed to automatically dial 9-1-1 if the abuser shows up at her house, place of work, at the school yard when she picks up her child, the bus stop or the grocery store.

Commonsense solutions—all sparked by the Violence Against Women Act this body passed overwhelmingly in 1994.

Again, listen to the voices of victims we have helped.

Phyllis Lee from Tennessee says she is alive today thanks to the battered women shelter in Dayton. Without it, she is certain her abusive husband would have killed her with his violent beatings. After enduring 17 years of torturous abuse, including severe beatings to her head and body, rape, and the withholding of needed medical care, Phyllis finally escaped.

After a particularly severe beating, she hid in the woods for 20 hours, paralyzed with fear that her husband would find her. She crawled to a nearby farmhouse and asked for help.

With the help of the woman who lived there, she contacted Battered Women, Inc.—an organization that assists victims of domestic violence. This program, which includes a hotline, counselors, and a shelter, is heavily funded by the Violence Against Women Act. It provided a way out for Phyllis and her children, whose lives were in grave danger.

Battered Women, Inc. also helped Phyllis get her GED and she is now working as an advocate for other battered women. She says that without this program, she never would have known that the option to live without abuse existed.

States with large Indian reservations—such as California and Nevada—have formed Inter-Tribal Councils so that Native American women no longer have to suffer in silence at the hands of their violent abusers. One victim in California writes:

> If it were not for the Inter-Tribal Council's efforts, I would be dead, homeless or living in my car, with my children hungry.

In California, the Inter-Tribal Council has reached out to Native American communities to establish the ''Stop and Take Responsibility'' program.

First, and foremost, this program is about education—educating Native American men that hitting your spouse is a serious crime, and educating mothers, wives, sisters, and daughters—that no man has a right to lay a hand on them.

This past May, the shooting of Barry Grunnow, an English teacher in Lake Worth, Florida—by a seventh grade honor roll student named Nathaniel Brazil—shocked the nation.

Recently, Lake Worth police released reports showing a history of domestic violence in the Brazil home.

As the Palm Beach Post wrote recently in an editorial—

> While violence in the home can hardly be directly blamed for the tragic shooting . . . this case does demonstrate the way in which domestic violence affects society at large, how violence in the home increased the likelihood for violence in the surrounding community. It is about time that we push for bipartisan Violence Against Women Act Reauthorization in Congress to combat domestic violence and its horrible consequences.

And if any of you doubt the link between children growing up in a home watching their mother get the living hell beat out of her—and that child growing up to be violent as well, consider this recent case two months ago in San Diego.

A prosecutor was in her office, interviewing a mother who was pressing charges against her husband after suffering years of abuse. As the questioning stretched on, the woman's 8-year-old son grew restless.

Just as little kids do—the boy tugged at his mother's sleeve, saying, ''Let's go. I'm hungry . . . can we leave yet.''

He became even more agitated and said: ''Come on, Mom, I want to go.''

Finally, the 8-year-old boy shouted: ''I'm talking to you?'' Then, he curled up his fist and punched her.

Now, where did he learn that?

That prosecutor not only had a victim in her office. She had a future domestic violence abuser.

But states are not giving up on these kids. For example, in Pasco County, Florida the Sheriff's Office has developed a special program just to focus on the children in homes with domestic violence.

It's called KIDS, which stands for Kids in Domestic Situations. The sheriff hired four new detectives, a supervisor, and a clerk. They review every domestic violence call to see if a child lives in the home. They are specially trained to interview that child and get him or her the needed counseling—to break the cycle of violence.

Unfortunately, the abuse does not stop for women once they are divorced—particularly when the father uses the children to continue the harassment. All too often, Kids caught in the crossfire of a divorce and custody battle need safe havens.

One woman in Colorado had to confront her former husband and abuser at her son's soccer games—to exchange custody for the weekend. She had to endure continued mental and emotional abuse, putting herself in physical harms-way. Finally a visitation center opened. Now she drops off her son into the hands of trained staff in a secure environment.

In Hawaii, Violence Against Women Act funding has allowed officials to open three new visitation centers in the island's most rural counties.

The Violence Against Women Act of 2000 adds new funding for safe havens for children to provide supervised visitation and safe visitation exchange in situations involving domestic violence, child abuse, sexual assault, or stalking.

Of course, there are also the battered women's shelters. Over the past five years, every State in this country has received funding to open new and expand existing shelters. Two thousand shelters in this country now benefit from this funding.

In my State of Delaware we have increased the number of shelters from two to five, including one solely for Hispanic women.

For as much as we've done, so much more is needed. Our bipartisan Biden-Hatch bill increases funding for tens of thousands of more shelter beds. It also establishes transitional housing services to help victims move from shelters back into the community.

And let's not forget the plight of battered immigrant women, caught between their desperate desire to flee their abusers and their desperate desire to remain in the United States. A young Mexican woman who married her husband at the age of 16 and moved to the United States suffered years of physical abuse and rape—she was literally locked in her own home like a prisoner. Her husband threatened deportation if she ever told police or left

the house. When she finally escaped to the Houston Area Women's Center in Texas, she was near death.

That shelter gave her a safe place to live, and provided her the legal services she needed to become a citizens and get a divorce.

Our bipartisan bill expands upon the protections for battered immigrant women.

Thanks to nurses and emergency room doctors across this country—we have made great strides in helping victims who show up at the emergency room, claiming they ran into a door or fell down the stairs.

The Kentucky General Assembly has made it mandatory for health professionals in emergency rooms to receive three hours of domestic violence training.

The National Hospital Accreditation Board is encouraging all hospitals to follow Kentucky's lead.

The SANE program, sexual assault nurse examiners, are truly angels to victims. They are specially trained to work with police to collect needed evidence in a way that is sensitive and comforting to victims.

The Violence Against Women Act of 2000 facilitates these efforts by ensuring that STOP grants can be used for training on how to conduct rape exams and how to collect, preserve, and analyze the evidence for trial.

Finally, I am very pleased to report, this legislation expands grants under the Violence Against Women Act to states, local governments, tribal governments, and universities to cover violence that arises in dating relationships. Hopefully, this important change will help prevent tragedies like the death of Cassie Diehl, a 17-year-old high school senior from Idaho, killed by a boyfriend who left her for dead after the truck he was driving plunged 400 feet of a mountain road.

What is especially tragic about this story is the great lengths to which Cassie's parents went, before her death, to seek help from local law enforcement agencies and local prosecutors in putting an end to the boyfriend's constant abuse of their child, even seeking a protection order from a judge. All of these efforts failed because Cassie was a teenager involved in an abusive dating relationship. Law enforcement officials believed that because Cassie was a 17-year-old high school student living at home she could not be abused by a boyfriend, that she was not entitled to protection under the law.

The legislation we will vote on today will help avoid future horror stories like Cassie's by providing training for law enforcement officers and prosecutors to better identify and respond to violence that arises in dating relationships and by expanding victim services programs to reach these frequently young victims.

Thanks in part to the landmark law we passed in 1994, violence against women is no longer regarded as a private misfortune, but is recognized as the serious crime and public disgrace that it is. We have made great strides to putting an end to the days when victims are victimized twice—first by their abuser, then by the emergency response and criminal justice systems. We are making headway.

I have given you plenty of examples, but there are hundreds more.

In addition to the battered women's shelters, the STOP grants, the National Domestic Violence Hotline, and other grant programs I have mentioned, the Biden-Hatch Violence Against Women Act of 2000 reauthorizes for five years the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, campus grants, the rape prevention and education grant program, and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

So, let us act now to pass the Biden-Hatch bill.

There is one thing missing, I must point out, from this legislation. Unfortunately, the conference report does not extend the Violent Crime Reduction Trust Fund that would guarantee the funding for another five years—so that these innovative, effective projects can continue.

I believe that extending the trust fund is critical. Remember, none of this costs a single dime in new taxes. It's all paid for by reducing the federal government by some 300,000 employees. The paycheck that was going to a bureaucrat is now going into the trust fund. So I will continue to work to extend the trust fund to ensure that these programs actually receive the funding we have authorized.

Let me just close by saying that it has been a tough fight over the past 22 months to get my colleagues on both sides of the aisle to focus on the need to reauthorize the Violence Against Women Act. But we have finally done it.

I greatly appreciate the support, daily phone calls, letters, and e-mails of so many groups—who are the real reason we have been able to get this done this year. The National Association of Attorneys General, every law enforcement organization, all the many women's groups, the National and 50 individual State Coalitions Against Domestic Violence, the American Medical Association, the National Governors Association, nurses, the list goes on and on—more than 150 groups total.

If you'll allow me one more point of personal privilege, this act—the Violence Against Women Act—is my single greatest legislative accomplishment in my nearly 28 years in the United States Senate.

Why? Because just from the few examples provided above—it's having a real impact in the lives of tens of thousands of women and children. You see it and hear the stories when you're back home.

So let us today pass the bipartisan Biden-Hatch Violence Against Women Act now, and renew our national commitment to end domestic violence.

Mr. President, I am happy now to yield the floor.

Mr. LEAHY. May I have 30 seconds of the time I yielded to the Senator?

Mr. BIDEN. Yes.

Mr. LEAHY. I will speak more on this in another venue, but I think it is safe to say VAWA would not be voted on today had it not been for the persistence of the Senator from Delaware. That persistence is something the public has not seen as much as those of us who have been in private meetings with him, where his muscle really counted. We would not have this vote today, and I suspect it will be an overwhelmingly supportive vote—that vote would not have been today were it not for the total and complete persistence of the Senator from Delaware, just as the vote on sex trafficking is to the credit of the Senators from Kansas and Minnesota.

Mr. BIDEN. Mr. President, I thank my colleague for that. The beginning of my comments was a polite way of apologizing for my being so persistent. I have been here 28 years. I have never threatened a filibuster. I have never threatened to hold up legislation. I have never once stopped the business on the floor—not that that is not every Senator's right. I have never done that. I care so much about this legislation that I was prepared to do whatever it would take. I apologize for being so pushy about it. But there is nothing I have done in 28 years that I feel more strongly about than this. I apologize to my friends for my being so persistent.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I know my colleague, Senator BROWNBACK, wants to speak as well. Let me thank Senator BIDEN for his great leadership as well. We are very proud we were able to work this out and do trafficking and the reauthorization for the Violence Against Women Act together. Let me thank him for safe visas. He was kind enough to mention my wife Sheila. That was really an initiative on which she has been working. I was so pleased to see that in this bill.

Let me also say to my colleague, as much as I appreciate the work of the Senator from Tennessee, I want to make the point that this is not about the rule 28 scope of conference. I think the Chair will rule against my colleague from Tennessee. I think the Chair will rule against him with justification.

Most importantly, I want colleagues to know the majority of you voted for Aimee's law. I voted against it. But if

the Senator from Tennessee should succeed—I know this is not his intention—that is the end of this conference report, that is the end of this legislation on trafficking, that is the end of reauthorization of VAWA, and it would be a tragic, terrible mistake.

I hope colleagues will continue to support it. I yield.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I note the hour of 3:30 approaches. Senator THOMPSON has a lot of time.

If we are able to pass this legislation today, we still have a hurdle left to go. This is a major victory for women and children subject to violence here and abroad. This is a major piece of legislation for us to be able to pass through this body. It is late in the session. We are already past the time scheduled for adjournment. To be able to get this legislation passed at this time is a significant accomplishment. The Senator from Delaware pushed aggressively and hard on VAWA, as a number of people did on other items.

This is a good day, a great day for the Senate to stand up and do some of the best work we can to protect those who are the least protected in our society, to speak out for those who are the least protected here and around the world.

This is a great day for this country, and it is a great day for this body.

I am pleased we are wrapping up this portion of the debate. I think we have had a good discussion. We will have the vote on the appealing of the point of order by the Chair. I plead with my colleagues, with all due respect to my colleague from Tennessee, to vote against my colleague from Tennessee so we can proceed to pass this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if I have 20 seconds, with the indulgence of my colleague from Tennessee, I thank Senator BROWNBACK again. I also thank a whole lot of people, a whole lot of human rights organizations, women's organizations, grassroots organizations, religious organizations, who have been there for the bill, organizations of others who have really worked hard for reauthorization of the Violence Against Women Act. Thank you for your grassroots work.

I yield the floor and thank my colleague from Tennessee.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to make a point of order against the conference report. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I make a point of order that the conferees included matters not in the jurisdiction of the Foreign Relations Committee. I am referring specifically to Aimee's law.

The PRESIDING OFFICER. The Senator's point of order is not well taken.

Mr. THOMPSON. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator controls 1 hour of debate. The Senator from Tennessee is recognized for 1 hour.

Mr. THOMPSON. I thank the Chair.

Mr. President, I thank my colleagues for the manner in which this has been handled and the opportunity this affords me to make the statement I am going to make today.

This is an objection to the conference report. There are many good things in this conference report. Unfortunately, Aimee's law is a part of it. I prefer to have the consideration of that independently, separate and apart from the conference report, but that is not to be.

Historically, of course, Aimee's law did pass as a part of a much larger bill, the juvenile justice bill, some time ago but was never signed into law. When I voiced my objection to it at that point, it was put into this conference report. I cannot let it go without raising my objection to something that I think has to do with an important principle.

It is very unfortunate, when we have tragic circumstances that happen in this country, such as young people being killed, all the violence and abuse that goes on in this country, we take that and use the emotionalism from it to make bad law.

I do not think anybody within the sound of my voice can accuse me of being soft on crime. I ran in 1994 on that issue. I ran again in 1996 on that issue. My position is clear. But my position is also clear that we are continuing the trend toward the centralization of decisionmaking in this country. In other words, if we do not like what a State is doing with regard to its criminal laws, we tend to find a way around it.

I do not like the idea that some States let prisoners out sooner than they should, but if we really do not like that and we really do not have any concerns about taking over the criminal jurisdiction in this country, things that have been under the purview of States for 200 years, why don't we just pass a Federal law using the commerce clause and state that it affects interstate commerce?

Perhaps the Supreme Court will allow it; maybe they will not. Why don't we just pass a Federal law on murder? Why don't we just have a Federal law that says anyone convicted of murder has to serve so much time and just get on with it? Even the people pushing things such as Aimee's law apparently recognize there is a principle that causes us problems, and that is, we are set up with a Federal system.

Every kid learns in school that we have a system of checks and balances, one branch against another, also Federal versus State and local law. It is a diffusion of power. It is time honored. It is in the Constitution. It is in the 10th amendment. Some things the States do and some things the Federal Government does.

If we do not believe in that anymore, if we are going to say every time there is some tragic circumstance, such as the drive-by shootings in 1992—we federalized the crime of drive-by shootings. In 1997, there was not one Federal prosecution for drive-by shootings, but yet it was in the headlines, and we could not help ourselves because we wanted to express our outrage at this crime that was being taken care of at the State level.

No one has ever accused these States with high-profile crimes of not jumping in and taking care of the situation, sometimes imposing the death penalty. You cannot do much more than that. Yet we feel the necessity to pass Federal laws that will ultimately create a Federal police force to do things we have left to the purview of the States for 200 years. That is a serious matter.

Nobody wants to vote against something called Aimee's law as a result of a tragedy of some young woman getting killed, for goodness' sake. Unfortunately, it happens all across this country all the time. But we have greater responsibilities when we take the oath of the office we hold. We are supposed to uphold the Constitution. Is the relationship between the State and Federal Government the one we studied in school, the one the courts tell us is still in effect, and, more fundamentally, do we need States anymore? States do not behave the way we want them to sometimes. States do not do what the Federal Government wants them to do. States do different things.

People in Tennessee might not look at something exactly the same way people in New York might look at it. People in New York might not look at something the same way people in California do. We have certain basic things on which we agree in our Federal Constitution, but the Founding Fathers gave us leeway to experiment.

Nobody I know of inside Washington, DC, has the answers to all these problems. We all have the same motivation: No one wants crime, no one wants these terrible tragedies, but we certainly do not have a monopoly on what to do about it. That is why we have States to experiment, to do different things.

Too often, under the glare of the headlines, we want one solution; we want one answer; we want one Federal answer with our name on the legislation so we ''did something'' about some tragic murder that happened in one of

the States, which is prosecuted by the State and the person has long been sent to the penitentiary or death row.

We need to concentrate on the fact that we do not seem to think we need the States anymore. We had this fundamental disagreement at the founding of our country between Jefferson and Hamilton. Hamilton wanted a strong Federal Government, we all remember from our schooldays. Jefferson said: No, that is too much centralization of power; remember what happened to us earlier in our history. We need to diffuse that power, and the States need certain rights, so we need to balance that out.

One of my House colleagues said: The problem with Congress is we are Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Saturdays. We give lipservice to the proposition of limited Government, decentralization, giving more power back to the States, getting things out of Washington. We all run on that platform, and as soon as we get here, we can't wait to pass some sweeping Federal law that, in many cases, supersedes State law and the different ways States have chosen to handle a different problem.

We preempt State law. We pass Federal laws all the time. The Constitution allows us, under the supremacy clause, to do that. We will not even say when we are preempting. The courts have to decide that. We pass laws all the time, and the courts have to take a look at them later on to decide to what extent we are preempting State laws, and so we strike down those State laws.

We continue to criminalize State law. Five percent of the criminal prosecutions in this country are Federal. Yet last year there were over 1,000 pieces of legislation introduced in this Congress having to do with criminal law. It clogs the courts. Justice Rehnquist on a regular basis comes over here and pleads with us to stop this: You are not doing anything for law enforcement—he tells us—by trying to criminalize everything at the Federal level that is already covered at the State level; you are clogging the courts.

The Judicial Conference reports to us from time to time: You are clogging the courts with all this stuff that should not be in Federal court; the States are already taking care of that. Nobody is claiming they are not. So for the same offense, we have this array of State laws and this array of criminal laws, and the prosecutor can use that against a defendant however he might choose. It is not something that will enhance our system of justice but something that only enhances our own stature when we believe we are able to say we passed some tough criminal law. We are doing more to harm criminal justice by doing this than we are doing to help it.

My favorite last year was the legislation that was considered in Congress to prohibit videos of animal abuse using stiletto heels. That is not a joke. Unfortunately, we have bills such as that introduced in Congress all the time.

We, from time to time, try to get around the commerce clause. We want to federalize things, such as guns in schools. Every State in the Union has a tough law they deal with in their own way as to what to do about a terrible problem—guns in schools. We get no headlines out of that, so we had a Federal law to which the Supreme Court said: No, that does not affect interstate commerce. Then we just try to basically directly force States to enforce Federal laws and regulations that we make—background checks for guns, when judges should retire, Federal regulations. Finally, the Supreme Court said: No, we cannot do that. The 10th amendment prohibits us from doing that. So we have a steady array of our attempting to figure out ways in and around the Constitution in order to impose our will because ''we know best.''

The latest, of course, now is the use of the spending clause. The courts have said, basically, if Congress sends the money, they have the right to attach strings. States blithely go along many times—not all the time, but many times. Oftentimes they accept that free Federal money and learn that they are getting 7 percent of their money for their problem and 75 percent of the regulations and redtape, the requirements that go along with it.

So this is the context in which we find ourselves when we consider Aimee's law. This is all just a little bit of history we have been dealing with to which not many people pay much attention. But it has to do with our basic constitutional structure. It has to do with the fundamental question in this country and, I think, our fundamental job; that is, What should the Federal Government do, or what should Government do, and at what level should Government do it? What is more fundamental than that? What is more important than that, as we hastily pass out and introduce these thousands of bills up here? If they sound good, do it—all the while eroding a basic constitutional principle that we all claim we believe in.

So this Aimee's law came about because of another tragic set of circumstances. We have seen them: The dragging death in Texas, the drive-by shooting case in 1992, the situation that produced Aimee's law. There is always something in the headlines of a tragic nature in criminal law.

Under Aimee's law, if Tennessee, for example, tries somebody—let's say for murder or rape—and convicts them, and that person serves their sentence under State law, under Tennessee law, and then they are released, and that person goes to Kentucky and commits another similar criminal offense, here is where the Federal Government comes into play. The Attorney General does this calculation and says, basically, that unless Tennessee's law under which this guy was convicted provides for the average term of imprisonment of all the States—you look at all the States and say: What is the average term of imprisonment for murder?—if Tennessee has a little less than the average of all the other States, and he goes to Kentucky and kills somebody else, then Tennessee has to pay Kentucky to apprehend the guy, to try the guy, and to incarcerate him for however long Kentucky wants to incarcerate him.

That is basically what Aimee's law is. So this is moving the ball a little bit farther down the road for those who want Washington to decide all the criminal laws in this country.

Here we have a standard not that Congress has set. A lot of times we will say: We want everybody on the highways to be driving under the old .08 rule because we believe that ought to be the intoxication limit. We are going to withhold funds if you don't. It is a Federal standard. You can argue with it or you can agree with it.

But that is not what we have here. This is not a standard that Congress has had hearings on and has determined that Tennessee has to live up to. It is a standard that is based upon a calculation of what the average is among all the other States.

What if Tennessee looks at it a little differently? They ought to have the right to have a little more stringent laws or a little more lenient laws. They have the people of Tennessee to answer to. They have their own legislature. They have their own Governor. These are things that Tennessee has been deciding for 200 years. If they do not do what the average of other States do, when it is totally within their prerogative, should they be penalized?

There are several problems with this law. Some of them are constitutional because it has ex post facto concerns. I do not know, for example, in reading this law, whether it intends to apply to people who have already been sentenced or whether it applies to people who will be sentenced after this law comes into effect.

I wish one or any of the sponsors of this bill would come to the floor and tell us whether or not the intent of this law is to have this law apply to people who have already been sentenced maybe 5 years ago, maybe 10 years ago. If so, then what can a State do about that to avoid being penalized the way I just described?

Secondly, if a person is still serving time, and the State knows it is going to be penalized if he is released under the State law because other States might have a little more stringent law, what is going to happen next time that

person comes up to the parole board? Are they going to be looking at it objectively?

Or, better still, the question is, to the sponsors of this legislation: What about people who have already been convicted and already served their time and have been out of jail now for 15, 20 years, and they go to Kentucky and kill somebody else? Does this apply to them? If that is the case, there are thousands and thousands and thousands of people in every State who have been convicted of crimes and are now out of jail and going to other States. Are we going to go back and calculate what the average law provided for incarceration for all of those people? I think it is silent.

If the intent is, in fact, to catch all of those people and, if they do something else, have this law apply, it has ex post facto ramifications with regard to the State. You are not doing anything to the individual, but you are forcing the State to either lose money or to try to extend the time these people stay in jail.

Can you imagine the litigation you are going to have with regard to these parole board hearings, when a person apparently looks as though he is eligible for parole, but the parole board has discretion, and they know if they release this person, he is going to be one of these people caught under the law? Can you imagine the litigation that is going to come about as a result?

If, on the other hand, it is not meant to be ex post facto, if, in fact, this law only applies to those who are convicted of crimes after the effective date of this law, then this law is going to be a nullity for the most part, I imagine, for many years, if people serve out terms in prison for horrendous crimes.

I would like to know, seriously, what the intention of the law is because it is not clear from the legislation itself. As Fred Ansell has said:

If it applies retroactively, then the law could apply retroactively in different ways. It could mean that the law applies only if an offender is released from a State after 2002 after having served a less than average sentence, and then commits a crime. Or it could even mean that a person commits a crime as early as January 1, 2002, who was released from prison many years ago.

If the State is liable for what an already-released offender does in the future, and it accepts the Federal funds with these conditions, then the State has agreed to accept an unlimited future liability. It will be liable for the crimes that thousands of offenders might commit, as measured by the costs of apprehension, prosecution, and incarceration. This is not losing 5 percent of transportation funds for not enacting a 21-year-old drinking age, as was upheld in South Dakota v. Dole. This is where Federal ''pressure turns into compulsion.'' Moreover, the funds are not attached to a new program. The conditions are attached to funds that States have already satisfied conditions to receive now and are being used for law enforcement purposes now. Prisons under construction now might have to be abandoned if the States can no longer receive Federal funds for prisons unless they lengthen their sentences. Drug task forces, police assistance, prosecutorial assistance, all of which are currently functional, would be jeopardized, causing possible loss of life and limb to the citizenry, if States did not adopt Washington's sentencing policy in order to be sure to continue receiving the money. That is coercion, not inducement.

If the measure is retroactive only with respect to people who are released after 2002 for earlier committed crimes, the compulsion is not as great, but is still very strong, as the State still faces unlimited liability for any prisoners for future crimes committed over many years. To avoid that, a State seeking to retain Federal funding might essentially, in the Supreme Court's words, be ''induced . . . to engage in activities which would themselves be unconstitutional,'' such as lengthening the sentences of those who would otherwise be released, violating the ex post facto clause.

This wouldn't be a direct lengthening, but it would certainly have a potential effect with regard to, for example, parole board activities. So not only do you have an ex post facto problem, you have a spending loss problem. The Supreme Court has held that Congress can withhold money, unless the States engage in the behavior that Congress wants them to as they receive the money. They don't have to take the money, but if they do, they have to take the strings attached to it. The Supreme Court has basically upheld that. The Supreme Court also said the conditions that the Federal Government places on the use of the money must be unambiguous. The States must know what they have to do in order to get this money.

I submit that under the present case, Aimee's law, the States could not tell what they have to do in order to get this money because they are always dealing with a moving target. If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. If they fall below that for their own good purposes, whatever the reasons and circumstances—they want to devote more money to prevention, or they want to devote more to rehabilitation instead of prisons, whatever their decisions might be—if they fall a little below, they are going to lose their money. If they want to keep their money, how high are they supposed to raise their incarceration rates? Because by the time they change their law and raise their incarceration rates for these various offenses, other States, presumably, could be doing the same thing. You are always going toward a moving target. Each State is trying to outstrip each other, and each State, if it wants to keep its money and not have to pay for 40 or 50 years for somebody in another State—their incarceration expense—the safe thing for it to do is ratchet up the time. The safest thing for it to do would be to give life sentences without parole.

For some people, I think that is a good idea anyway. But is that something we ought to be forcing States to do with regard to any and all prisoners who come before them who are charged with this particular list of crimes? It is a list that this Congress has decided is the protected list—not anything else, just this protected list. If the States don't comply, then they lose their Federal money. So the States can't tell what they are supposed to do in order to keep their money. It is a very ambiguous, bad piece of legislation.

There are policy reasons in addition to what I have described and in addition to the constitutional problems. It pits one State against another. We are supposed to be doing things to unify this country—I thought. The Supreme Court and this Congress spends a lot of time and attention on implementing the commerce clause, designed to make sure there is the free flow of goods and people and information one State to another.

The Supreme Court strikes down laws that States might want which might say another State can't come in, or where they are trying to impose their will on another State outside their boundary. The commerce clause promotes a free flow of commerce, but under this particular law you are pitting one State against another, calculating to see if they can get some money from another State because they have a different criminal law than this other State had, and the Attorney General of the Federal Government is the referee and she keeps the books on all of that. That is a terrible idea.

Another policy reason is that Aimee's law defeats the very purpose that it is trying to carry out. Much of the money that will be withheld, if a State doesn't comply with this Federal mandate, will go for prisons. One of the reasons, presumably, why some States have to turn people out before we would like is because of a lack of prison space. They are getting this Federal money in order to help them with more prisons.

This is a very circular kind of situation the Federal Government is creating. We are cutting them off from money to do the very thing that is the reason we are cutting them off because they didn't do it in the first place. It makes no sense whatsoever. There is

no additional inducement—is the next policy reason—under Aimee's law for the States—other than to keep their Federal money—for the States to comply with this Federal rule.

We are concerned about people getting out of jail and committing other crimes. We are all concerned about that. But seven out of eight crimes that are committed by people who have gotten out of jail happen in the States in which they were confined. So the State of Tennessee has every reason in the world to want to have laws that are reasonable for the protection of its own citizens and to keep people confined for a reasonable period of time for these crimes for the protection of their own citizens. Do they need any inducement because one out of eight might go somewhere else and commit a crime and that State might come back on them?

You have a situation here of particular crimes. Murder, as defined under Federal law, could mean anything from vehicular homicide on up. So, presumably, someone could be convicted of vehicular homicide in Tennessee and go to California and be convicted of first-degree murder; they are both murder under the meaning of this law. California could get Tennessee's Federal money to incarcerate this guy for the next however many years for murder when he was only convicted of vehicular homicide in Tennessee.

This has not been thought through.

The Federal Government simply should not be setting the standards for State crimes. They ought to set the standards for Federal crimes. States ought to have the flexibility to choose with their limited resources.

We tax the citizens of the States at a rate unprecedented since World War II. We put mandates on States with which we have been struggling, and we are trying to back off that a little bit. We have all of these regulations we put on the States. They have limited resources most years. They are doing a little better these days. They ought to have the right to decide for themselves—the people who elect their officials—how they use those resources.

If they want to spend more money for education, if they want to spend more money for health care, if in the criminal area they want to spend more money for prevention, if they want to spend more for rehabilitation, those are different things that different States are doing all across the country. We can see who has been successful and who has not been successful.

That is the reason we have States. That is the reason our Founding Fathers set up States. If we don't allow them to do that, what is the use of having them? Why do we have them? Why don't we just go ahead and pass a Federal law for everything and abrogate the States, if we don't need that kind of diversity and if we don't need that kind of experimentation?

The Federal Government would have States keep people—let's say the elderly—and have to make the tradeoff of using limited resources to keep people in jail who are, say, elderly and long past the time when you would think they would be dangerous to people, but keep them there on the off chance that they might get out and commit a crime in another State, and so forth. It doesn't make any sense.

This is simply an indirect attempt by the Federal Government—by us, by the Congress—to get States in a bidding war as to who can pass the most stringent laws in all of these areas. That is OK in and of itself. But it shouldn't be done because we are threatening them to do it. We think we have the answers to these problems, and we don't.

I served on the Judiciary Committee a while back, and I was chairman of the Juvenile Justice Subcommittee for a while. For anybody who deals in criminal law, the first thing they have to come away with, if they are being fair about it, is a sense of great humility.

There is so much we do not know about what causes crime—why young people commit crimes, what the best solution is, and so forth. My own view is that we should spend a lot more time, money, and research, and we should spend a lot more time, money, and effort in finding out what is going on in these various communities around the country with the various approaches communities and States have had and the various kinds of problems. It is very complex and very controversial. But that doesn't stop us. Last time I checked, we had 132 programs on juvenile crime alone at the Federal level without a clue as to whether or not any of them are working or doing any good. My guess is that some of them are probably counterproductive.

A lot of people want to pass, as a part of a bill, to have youthful offenders sentenced as adults. In some cases, if States want to do that, that is fine with me. But we were going to impose a requirement that all States sentence youthful offenders as adults within certain categories until we found out that the way it plays out in some cases is they would get less time as an adult than they would in a juvenile facility.

There is just an awful lot we don't know.

Why should we be forcing States to adhere to some kind of a national standard as to how long a person ought to serve for a list of crimes? If we really believe we ought to do that, why don't we just go ahead and do it directly?

We have seen the benefit of a system our Founding Fathers established over and over and over again. This is not just textbook stuff. It has to do with power, and the use of power, and who is going to use power, and how concentrated you want it. It has to do with innovation. It has to do with experimentation. It has to do with good competition among the States. We have seen welfare reform, education choice, competitive tax policies, and public-private partnerships all thrive at the State level. Good things are happening.

This law is another step away from all of that, another step toward Federal centralization and the monopolizing of criminal policy in this country. I could not let this go and could not let this pass without making that abundantly clear once again.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank Senator THOMPSON for his consistency and for the remarks he just made. I don't know that it will sway the vote, but it is certainly worth contemplating what he just said.

UNANIMOUS CONSENT AGREEMENT—H.R. 4635

Mr. LOTT. Mr. President, after extensive collaboration with Senator DASCHLE, we have come to this consensus which we believe is in the best interests of all concerned.

I ask unanimous consent that the Senate proceed to Calendar No. 801, H.R. 4635, the HUD–VA appropriations bill, on Thursday at 9:30 a.m., the committee substitute be agreed to, one amendment which will be offered by Senator BOND and Senator MIKULSKI be immediately agreed to, and the bill time be limited to the following:

Fifteen minutes under the control of Senator MCCAIN;

Five minutes under the control of Senator KYL;

Ten minutes equally divided between the subcommittee chairman and ranking minority member;

Ten minutes equally divided between the chairman and ranking minority member of the full committee.

I further ask unanimous consent that there be one amendment in order by Senator DASCHLE, or his designee, regarding the Treasury-Postal appropriations bill, and following the offering of that amendment there be 10 minutes for debate to be equally divided in the usual form, and no amendments be in order to the amendment.

I further ask unanimous consent that following the vote relative to the Byrd amendment, Senator BOXER be recognized to offer up to two first-degree amendments relative to environmental dredging, drinking water regulations, and Clean Air Act area designation, and there be up to 30 minutes of debate on each amendment to be equally divided in the usual form, with no other amendments in order, and the amendments not be divisible.

I further ask unanimous consent that following disposition of the amendments just described, the bill be advanced to third reading and passage

occur, all without any intervening action or debate.

I further ask unanimous consent that the votes just described occur beginning at 12:30 p.m. on Thursday and there be 2 minutes before each vote for explanation.

I further ask unanimous consent that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being the entire subcommittee, including Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the vote on the adoption of the HUD–VA bill on Thursday, the motion to proceed to the motion to reconsider the vote by which the conference report to accompany H.R. 4516 was not agreed to be immediately agreed to, and the vote occur on the conference report immediately, without any intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4733 VETO MESSAGE

Mr. LOTT. Mr. President, I ask unanimous consent that the veto message with respect to the conference report accompanying H.R. 4733 be considered as having been read, printed in the RECORD and spread in full upon the Journal, and the message then be referred to the Appropriations Committee.

Before the Chair grants this request, I would like to say to my colleagues that, unfortunately, the Senate does not have the votes to override this veto. I still believe strongly that the energy and water appropriations conference report should not have been vetoed and that there is a real threat of danger as a result of the provisions that are in controversy. The vote in the Senate was 57–37, which is a very strong vote. But at this point it appears there certainly would not be sufficient votes to override the President's veto.

I regret the veto. The Senate needs to proceed now to complete these appropriations bills, and therefore we have had to go through the process as just be outlined in these previous unanimous consent requests. Therefore, this consent addresses the immediate concern of the veto message entering the Senate Chamber.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, while Senator DASCHLE is here, he may want to make comments. I thank him again for working to help get this agreement worked out, as Senator REID certainly has been helpful, and Senator BOND, chairman of the committee, and Senator MIKULSKI, ranking member of the HUD–VA appropriations subcommittee; they have done good work.

As a result of these agreements, we will be able to act tomorrow on the HUD–VA appropriations bill, the energy and water appropriations bill, as will be modified to put in the agreed-to language with regard to section 103, and we also will then have the Treasury-Postal appropriations bill included in this process.

We will continue to work after this vote at 4:30 to get an agreement with regard to the time and a vote on the Defense authorization bill. We are working through the difficulties which are probably on this side; maybe on both sides. We will try to work that out, and also a time when a vote will occur on the Agriculture appropriations conference report.

I will have to communicate some more. I thought it important to go ahead and get these agreements lined up.

I remind Members, we have two votes scheduled at 4:30.

Mr. DASCHLE. I commend the majority leader for his work in reaching this agreement and compliment and thank Members on both sides of the aisle.

We have to be realists as we try to finish our work at the end of this session. Being realists means we don't get it exactly the way we want it. Obviously, many Members have serious problems about the way we are proceeding. We, nonetheless, realize we have to get the work done. While it may not be pretty, it will get the work done. That is ultimately what we are here to do.

To clarify what this agreement does with regard to some of the concerns that some Members have raised, first and foremost, this allows for the completion of the Treasury-Postal bill because we address the IRS concern raised by the administration. We are very pleased that issue has been resolved and we are now able to go forth at least from the point of view of the administration. Senator BYRD had the same concern I did about procedure. This allows us technically to have taken up TPO on the floor, as Senator BYRD has strongly suggested we do and as some Members proposed be done. This allows us to do that, and we will do it in concert with the consideration of HUD–VA.

Obviously, as I think everyone now knows, section 103 of the energy and water bill is very problematic for the administration and for some of us. This understanding takes out section 103.

We have accommodated a lot of the concerns in reaching this agreement. We will have a couple of amendments offered by Senator BOXER who has concerns about the HUD–VA bill. This reaches the level of understanding we have with regard to her concerns, as well.

Clearly, this is a compromise taking into account both the procedural as well as the substantive concerns many Senators have had on both sides of the aisle, and it accommodates those concerns as best we can under these circumstances.

Again, I end where I began by complimenting the majority leader, by expressing my appreciation for his work in trying to reach an accommodation of some of these issues. I hope we can do more on other bills that are yet to be considered.

I yield the floor.

Mr. REID. While the two leaders are on the floor, there is so much acrimony on the Senate floor, and there will be more in the future. At a time when we have accomplished a great deal procedurally, you two should be commended. It has been difficult to arrive at this point. This is one of the times where we worked with some cooperation. There will be more difficulties before the session ends, but the two leaders are to be commended for the work done today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. BROWNBACK. Mr. President, I know under the unanimous consent agreement Senator THOMPSON would have the time until 4:30 when it was agreed the vote would be set. I ask unanimous consent to speak on the sex trafficking bill for up to 5 minutes.

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

Mr. BROWNBACK. Mr. President, rather than not using the time, I thought it wise to go ahead and use this time to visit about this important vote that will be taking place. There may be some people who are just now focusing on what is happening.

We have a base bill with sex trafficking. The Violence Against Women Act is the base of the bill, and it is put together in an overall piece of legislation with the Trafficking Victims Protection Act of 2000, Aimee's law, Justice for Victims of Terrorism Act, and

the 21st Amendment Enforcement Act. This is the combined bill soon to be voted on.

A point of order has been raised and ruled against by the Chair, and we will be voting on appealing the ruling of the Chair. I hope my colleagues will vote in favor of the Chair and we will go to the final bill for a vote. To vote against the Chair and subtract Aimee's law, sends the bill back to the House, and we don't have time to get this done.

This is an important day for women and children subject to violence, both domestically and abroad. It is an important day that this body is going to follow the House and put in place needed protections for people, women and children, subject to this violence, both domestically and abroad.

It is an important day for those who have worked as advocacy groups and defenders of the defenseless, including people trafficked across international borders, with their papers burned and told: You owe.

This is important also for women in abusive relationships, physically abusive, who need help.

This addresses both of those issues. I think it is important this body, in the waning days of this session, go out with a strong statement that we are there with you; we are supporting those who are victimized in these situations, domestically and abroad. We are speaking out for those who, in many cases, have no voice.

I can still see the girls I met in Nepal who were trafficked at 11 and 12 years of age, coming back to their home country and to their villages, 16, 17 years of age, in terrible condition, having been subjected to sex trafficking, beaten by brothel owners, in some cases locked up at night, raped repeatedly, and told, ''You have to work this off; I own you,'' and then released to go home when they contract horrible diseases. In not all cases that works that way, but in too many cases it does work that way.

This body is speaking today. We are speaking on behalf of those who are so defenseless in these particular types of situations.

I want to recognize some people who have been particularly helpful on this. Senator LEAHY has worked very hard with us on this, through many of the issues he has had on this. Senator WELLSTONE and I have worked on the trafficking. Senator BIDEN and Senator HATCH have worked on the Violence Against Women Act. This has been a true bipartisan and bicameral effort. CHRIS SMITH and SAM GEJDENSON in the House, Republican and Democrat, have worked with us to get this through. Chairman HYDE of the Judiciary Committee in the House has worked to get this on through. My staff, Karen Knudsen and Sharon Payt, have worked very hard. The outside advocacy groups range from Gloria Steinem to Chuck Colson in support of this legislation, saying this is something we need to speak out about; this is something we need to do.

I want to recognize the leader, TRENT LOTT. In these waning hours of the session, there are about 150 different bills that want to get to the floor. Senator LOTT has said this one is coming to the floor. Not only did he say it is coming to the floor, he gave us all day on October 11 to be able to carry this on through and get this through. This is precious time. It could have been spent and was being pushed to be spent on a number of different issues. Instead, Senator LOTT said, no; we will go ahead and let this issue come forward. We will take the whole day debating it. People can be heard on this particular issue. Then we will have two votes at the end of the day.

That is a great statement on his part in support of women and children who are subject to these horrifying conditions, both domestically and abroad. I applaud his effort and his leadership and his work getting this done.

I just came from a press conference with Senator SANTORUM on Aimee's law, an important piece of legislation concerning what happened to Aimee Willard, an act perpetrated by a person was released early from prison in Nevada and went to Pennsylvania. She was an all-American lacrosse player at George Mason University. She was traveling, her car was taken over by this guy who had been previously convicted and released early out of a Nevada prison, then he takes her, kidnaps her, rapes her, and murders her.

This is legislation that does not federalize crimes, but it encourages States to step up and say: If a person is convicted of one of these crimes, keep him in for at least 85 percent of what he was sentenced for; or if they go to another State and commit this recidivism crime, then the State that has to prosecute and incarcerate this person, the criminal who did this, they can get part of the Federal moneys from the State that let the person go free early.

I think it is a sensible approach to try pushing this on forward. It is a good piece of legislation. It is something that deserves passage. Here in these waning hours of this session, I would just say I am very pleased to be a part of this body that would stand up and speak out and step forward on important legislation like this for the defenseless, for the voiceless, for those who are in harm's way. I applaud that. I hope my colleagues will vote as the House did, overwhelmingly, for this legislation. It passed in the House 371–1.

If I can encourage you any more, I say pull out a picture from your billfold, pull out a picture of a child or grandchild. Those are the ages, somewhere between 9 and 15, who are the most frequently trafficked victims. Young ages. Aimee Willard was a young age—not quite that young. But you get young ages of people who are subjected to this. We are stepping up and doing something on their behalf.

Mr. President, I thank my colleagues for the time I have been able to use for this. I urge the President to sign this legislation when it gets to his desk. I am hopeful he will. I do not know of any reason he would not sign this legislation. This will be a major accomplishment of this Congress that is going to be completed at this time.

I yield the floor.

Mr. LEAHY. Mr. President, there is an interesting precedent being set as the Senate considers adopting Aimee's law as part of the conference report on the Sex Trafficking Act. The supporters of Aimee's law argue that states have a financial responsibility regarding the protection, or lack of protection, offered by state law.

I have expressed my concerns about Aimee's law and I want to put my colleagues on notice. If Congress and the President determine that this Act will become law, there are important ramifications that should be reflected in future legislation on many issues.

For example, the application of the Aimee's law standard to state responsibility should also be applied to pollution and waste that also crosses state borders. I think it will be interesting to see in the future whether supporters of Aimee's law will also support efforts to make states responsible for air pollution that is generated in their states but falls downwind on other states to damage the environment and endanger the health of children and individuals who suffer from asthma.

My colleagues in the Northeast will all recognize this issue—we are collectively suffering from the damage inflicted on our forests, waterways, and public health every day by the tons of uncontrolled pollution emitted from power plants in the midwest. In 1997, out of the 12,000,000 tons of acid-rain causing sulfur dioxide emitted by the United States, Vermont was the source of only ten—or 0.00008%. Yet my state suffers disproportionately from the ecological and financial damage of acid rain, from stricken sugar maple trees to fishless lakes and streams. Vermont, like many other New England states, spends significant funds to test fish for mercury and issue fish advisories when levels are too high—mercury that also has its source at uncontrolled midwestern plants. All of our hospitals also spend money for tests for respiratory problems for children exposed to ozone-thick air, air that drifts into Vermont from the urban centers to the south and west.

I would like to put the Senate on notice that when the Senate considers any amendments to the Clean Air Act, I will consider offering an amendment that will hold states responsible for the

cost of the pollution they generate and which falls downwind. It will be interesting to see whether the supporters of the logic behind Aimee's law will support a Federal Government mandate that Vermont be paid by midwestern states for every ton of uncontrolled pollution that crosses into our state and results in costs to our environment and our citizens.

I provide this background to highlight the underlying problems with Aimee's law. While done with the best of intentions, the solution achieved with this provision is on questionable constitutional ground and has the potential to set a precedent that will have far reaching implications for many issues Congress will address in the future.

● Mr. HELMS. Mr. President, this conference report is a splendid example of Congress reasserting its moral underpinning in U.S. foreign policy. It will effectively combat the disgrace of women and children being smuggled, bought and sold as pathetic commodities—most often for the human beasts who thrive on prostitution.

The conference report deals with all aspects of sex trafficking, from helping victims to punishing perpetrators.

Significantly, the legislation calls on the executive branch to identify clearly the nations where trafficking is the most prevalent. For regimes that know there is a problem within their borders, but refuse to do anything about it, there will be consequences.

No country has a right to foreign aid. The worst trafficking nations must have such U.S. aid cut off. And if they don't receive U.S. bilateral aid, then their officials will be barred from coming onto American soil. Our principles demand these significant and important symbolic steps.

Some may complain that this is another ''sanction'' in the alleged proliferation of sanctions Congress passes. But denying taxpayer-supported foreign aid is not a ''sanction.'' Foreign aid is not an entitlement.

I commend Senator BROWNBACK for his unyielding efforts to help the victims of sex trafficking, which is nothing less than modern-day slavery. The inevitable controversies over differences between House and Senate bills were ironed out because of Senator BROWNBACK's leadership.

Time and again, Senator BROWNBACK personally intervened with conferees, with our colleagues on the Judiciary Committee, and with the House and Senate leadership in order to obtain agreement on this important legislation.

SAM BROWNBACK is devoted to helping less fortunate citizens, whether they are farmers struggling to keep their farms in Kansas or the helpless women and children caught up in the trafficking of human beings. I salute Senator BROWNBACK for his remarkable efforts.

Also of particular significance is a provision authored by Congressman BILL MCCOLLUM of Florida, which will assist victims of terrorism. Senator MACK and others who have had a longstanding interest in this issue were instrumental in helping this provision find a place in the conference report. The provision helps families struck by the horrors such as the attack on Pan Am 103 get fair restitution, coming in part from the frozen assets of terrorist states.

The conference report is a solid and effective measure to help the victims of violence and abuse, the kind of abuse which is nothing short of evil. Those victims are most often women and children, and this legislation goes a long way to protect them.●

● Mrs. FEINSTEIN. Mr. President, I rise to support the Victims of Trafficking and Violence Protection Act of 2000 conference report. While I have some reservations of some parts of the conference report, I am pleased that a number of important provisions have been included.

I would like to focus my comments today on three specific provisions of this report: the Violence Against Women Act of 2000, the Justice for Victims of Terrorism Act, and the Twenty-First Amendment Enforcement Act.

I strongly supported the Violence Against Women Act when we passed it 6 years ago. VAWA was the most comprehensive bill ever passed by Congress to deal with the corrosive problem of domestic violence. I believed then and believe now that this legislation was long overdue.

For far too long, there has been an attitude that violence against women is a ''private matter.'' If a woman was mugged by a stranger, people would be outraged and demand action. However, if the same woman was bruised and battered by her husband or boyfriend, they would simply turn away.

Attitudes are hard to change. But I believe that VAWA has helped.

In the last 5 years, VAWA has enhanced criminal penalties on those who attack women, eased enforcement of protection orders from State to State, and provided over $1.6 billion over 6 years to police, prosecutors, battered women's shelters, a national domestic violence hotline, and other provisions designed to catch and punish batterers and offer victims the support they need to leave their abusers.

The Violence Against Women Act works. A Department of Justice study recently found that, during the 6-year period that VAWA has been in effect, violence against women by intimate partners fell 21 percent.

However, the same study found that much more work remains to be done. For example:

Since 1976, about one-third of all murdered women each year have been killed by their partners;

Moreover, women are still much more likely than men to be attacked by their intimate partners. During 1993–1998, women victims of violence were more than seven times more likely to have been attacked by an intimate partner than male victims of violence.

VAWA 2000 will help us complete that work. This legislation would do three things.

First, the bill would reauthorize through fiscal year 2005 the key programs in the original Violence Against Women Act. These include STOP grants, pro-arrest grants, rural domestic violence and child abuse enforcement grants, the national domestic violence hotline, and rape prevention and education programs. The bill also reauthorizes the court-appointed and special advocate program, CASA, and other programs in the Victims of Child Abuse Act.

Second, the bill makes some improvements to VAWA. These include:

Funding for grants to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence;

Assistance to states and tribal courts to improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act;

Funding for grants to provide short-term housing assistance and short-term support services to individuals and their dependents fleeing domestic violence who are unable to find quickly secure alternative housing;

A provision providing supervised visitation of children for victims of domestic violence, sexual assault, and child abuse to reduce the opportunity for additional domestic violence during visitations;

A provision strengthening and refining protections for battered immigrant women; and

An expansion of several of the primary grant programs to cover violence that arises in dating relationships.

I was disappointed that the conference did not agree to extend the recently expired Violent Crime Reduction Fund. The money for the trust fund comes from savings generated by reducing the Federal workforce by more than 300,000 employees, and it was the primary source of money for VAWA programs. This will mean that VAWA will likely be funded directly by tax revenues.

However, I am pleased that the conference agreed to restore language that would allow grant money to be used to deal with dating violence. Without this language, women could not benefit from VAWA unless they cohabited with their abusers. That makes no sense. In fact, the Department of Justice study on intimate partner violence found that women between the ages of 16 and 24—prime dating ages—are the most

likely to experience violence within their relationships.

VAWA has been particularly important to my own state of California. VAWA funds have trained hundreds of California police officers, prosecutors, and judges. They have provided California law enforcement with better evidence gathering and information sharing equipment.

VAWA funds have also hired victims' advocates and counselors in scores of California cities. They have provided an array of services to California women and children—from 24-hour hotlines to emergency transportation to medical services.

I have heard numerous stories from women in California who have benefitted from VAWA. For instance, one woman wrote to me to how she fled from an abusive relationship but was able to get food, clothing, and shelter for her and her four children from a VAWA-supported center. If it was not for VAWA, she wrote, ''I would have lost my four children because I didn't have anywhere to go. I was homeless with my children.''

And the head of the Valley Trauma Center in Southern California wrote me about another tragic case. Four men kidnaped a woman as she walked to her car and raped her repeatedly for many hours. Incredibly, because the men accused the victim of having sex with them voluntarily and one of the men was underage, the woman herself was charged with having sex with a minor. As a result, the woman lost her job. Fortunately, the center, using VAWA funds, was able to intervene. They helped get the charges against the victim dismissed and assisted the woman through her trauma.

There is no question that VAWA has made a real difference in the lives of tens of thousands of women and children in California. Let me give you some more examples:

Through VAWA funding, California has 23 sexual assault response teams, 13 violence response teams, and scores of domestic violence advocates in law enforcement agencies throughout the state. These teams have responded to hundreds of incidents of domestic violence, saving lives and helping protect California women and children from abuse.

Since 1997, eight counties in California have developed stalking and threat assessment teams, STATs. Since VAWA was enacted, there has been a 200-percent increase in the number of felony stalking cases filed by the Los Angeles District Attorney.

Within 2 weeks of launching an antistalking educational campaign using VAWA money, the Los Angeles Commission on Assaults Against Women, LACAAW, received about 40 calls to its crisis hotline. These calls resulted in numerous investigations by the local STAT.

Since LACAAW receive VAWA money in 1997, it has seen a 64 percent increase in the number of victims served. Moreover, its rape prevention education program services have doubled in this period.

In the last 5 years, Women Escaping a Violent Environment, WEAVE, a victim service provider in Sacramento, has doubled its legal advocacy efforts and crisis and referral services. It responds to over 20,000 domestic violence and sexual assault calls to its crisis line annually and 35 requests for legal services daily.

In Alameda County, the district attorney's office has used VAWA funds to institute comprehensive training regarding the investigation and prosecution of domestic violence and stalking cases. Two hundred sixty prosecutors in Alameda and Contra Costa county and 350 police officers in Alameda country have been trained. The result: 30 new stalking cases and numerous new domestic violence cases being investigated and prosecuted just in 3 months.

Lideres Campasinas has used VAWA money to establish itself in 12 communities in California and has trained 25,000 immigrant and migrant women. Before it received this money, Lideres Campasinas did not address the problem of domestic violence among farmworker women. Now, three tribal organizations and 4 States have contacted it about setting up similar programs in their jurisdictions.

The California Coalition Against Sexual Assault's Rape Prevention Resource Center has, using VAWA money, assembled over 4,000 items focused exclusively on issues related to violence against women in the U.S. Over 4,000 items are currently available in its lending library.

In short, VAWA 2000 renews our commitment to fighting violence against women and children. I am delighted to support its passage today.

Let me also say a few words about the Justice for Victims of Terrorism Act, which is also in the conference report.

I strongly support this bill, which will help American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible State sponsors of terrorism pay a price for their crimes.

Just let me talk about one example of why this new law is necessary.

In 1985, David Jacobsen was residing in Beirut, Lebanon, and was the chief executive officer of the American University of Beirut Medical Center. His life would soon take a dramatic and irreversible change for the worse, and he would never again be the same.

Shortly before 8:00 a.m. on May 28, 1985, Jacobsen was crossing an intersection with a companion when he was assaulted, subdued and forced into a van by several terrorist assailants. He was pistol-whipped, bound and gagged, and pushed into a hidden compartment under the floor in the back of the van.

Jacobsen was held by these men, members of the Iranian-backed Hizballah, for 532 days—nearly a year and a half. He was held in darkness and blindfolded during most of that time, chained by his ankles and wrists and wearing nothing but undershorts and a t-shirt. He has said in the past that he was allowed to see sunlight just twice in those 17 months.

The food during his captivity was meager—sometimes the guards would even spit in his food before handing it over.

Jacobsen was subjected to regular beatings, and often threatened with immediate death. He was forced to listen as fellow captives were killed.

As a result of this physical and mental torture, Jacobsen has been under continuous treatment for posttraumatic stress disorder since his release in November of 1986—nearly 13 years ago.

In August of 1998, David Jacobsen was awarded $9 million by a U.S. Federal Court. The judgement was against the Government of Iran, and pursuant to a bill that Congress signed in 1996 allowing victims of foreign terrorism to recover against terrorist nations.

But David Jacobsen has collected nothing. He cannot go to Iran to ask for the verdict. And our own Government has essentially turned its back. Some have estimated the United States Government has frozen more than a billion dollars of Iranian assets. Yet not one cent has been paid to David Jacobsen. The administration has invoked waiver after waiver—even as Congress has modified the 1996 bill to clarify our intent.

The same has been true for others victimized by agents of designated terrorist-sponsoring nations, including Alisa Flatow, Terry Anderson, Joseph Ciccippio, Frank Reed, Matthew Eisenfeld, Sarah Duker, Armando Alejandre, Carlos A. Costa, and Mario de la Pena.

The legislation included in this conference report replaces the waiver authority in current law to make it both more clear, and more narrow. It is my hope that once Congress has again spoken on this issue, money frozen from terrorist nations will finally begin to flow to the victims of those terrorist acts.

The Justice for Victims of Terrorism Act also contains an amendment authored by Senator LEAHY and myself that will offer more immediate and effective assistance to victims of terrorism abroad, such as those Americans killed or injured in the embassy bombings in Kenya and Tanzania and in the Pam Am 103 bombing over Lockerbie, Scotland. This amendment does not involve any new funding; all the money for victims would come out

of the existing emergency reserve fund for the Department of Justice's Office for Victims of Crime, OVC.

The Leahy-Feinstein amendment aims to provide faster and better assistance to victims of terrorism abroad. Under current Federal law, if there is a terrorist attack against Americans abroad, the victims and their families must generally go to the victims' services agencies in their home States to receive assistance and compensation. However, victims' services vary widely from State to State, and some overseas victims receive no relief at all because they cannot establish residency in a particular State.

Let me give you a couple of real-life examples created by current law:

Two American victims, standing literally yards apart, were injured in the bombing at the U.S. Embassy in Kenya. Each received severe injuries, was permanently disabled, and spent 7 months recovering at the same hospital. However, because the two were residents of different States, they received very different victims' assistance: one received $15,000 in compensation and one $100,000. And one waited a week for a decision on the money and the other 5 months.

Another American was also severely injured in the embassy bombings. Because he was not able to establish residency in a particular State, he could not receive any victims' assistance or compensation at all. In fact, because he lacked health insurance, he had to pay his medical bills himself.

The Office for Victims of Crime has been able to get around the problem in certain cases by transferring money to the FBI or U.S. attorney's offices, which then transfer the money to victims. However, this cannot be done in some situations. Moreover, even where such transfers can be done, OVC and the victims have run into a lot of redtape and delays. An example:

Because of current law, OVC was not able to respond directly to the needs of victims of the embassy bombings. So they transferred money to the Executive Office of the U.S. attorneys, which then transferred the money to the State Department, which then transferred the money to the victims. This triple transfer took 8 months. In the meantime, the victims and their families had to pay medical bills, transportation costs, funeral expenses, and other expenses themselves.

The Leahy-Feinstein amendment will immediately benefit terrorist victims. For example, the amendment ensures that the OVC can assist victims directly with regard to the upcoming trial in New York City of the individuals who allegedly bombed our embassies in Kenya and Tanzania.

The Leahy-Feinstein amendment fixes the problem in three ways.

First, it creates a single, centralized agency to help victims of terrorism abroad. This agency—OVC—has more expertise and resources to help overseas terrorism victims than a typical State victims' services agency. For example, OVC can much more easily get information from U.S. and foreign government agencies to process victims' claims than, say, the Wyoming Victim Services Division.

Second, it eliminates the gaps and inconsistencies in Federal and State victims' services statutes that result in disparate treatment of similarly situated victims of terrorism. The amendment provides OVC with much more flexibility to assist victims of terrorism directly, avoiding unfair results.

Third, it cuts redtape that has unnecessarily delayed services to victims of terrorism.

Specifically, the Leahy-Feinstein amendment:

Authorizes OVC to establish a terrorism compensation fund and to make direct payments to American citizens and noncitizen U.S. Government employees for emergency expenses related to terrorist victimization. The money would be used to pay emergency travel expenses, medical bills, and the cost of transporting bodies.

Allows OVC to pay for direct services to victims, regardless of where a terrorist attack occurs. This includes counseling services, a victims' website, and closed-circuit TV so victims and their families can monitor trial proceedings.

Raises the cap on OVC's emergency reserve fund from $50 million to $100 million. This would enable OVC to access additional funds in the event of a terrorist attack involving massive casualties.

Makes it easier for OVC to replenish its emergency reserve fund with money that it de-obligates from its other grant programs.

Expands the range of organizations that OVC may fund to include the Department of State, Red Cross, and others.

I would like to thank Senator LEAHY for his leadership on this issue. While he and I have sometimes disagreed on how to address the lack of victims' rights in this Nation, I am glad that we were able to work together to pass this important amendment.

Finally, I would like to discuss one last provision of this conference report. Specifically, I want to address the so-called Twenty-First Amendment Enforcement Act, S. 577, now included as part of this conference report. I want it to be perfectly clear that this provision is simply a jurisdictional statute with a very narrow and specific purpose. The bill is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts, and is certainly not intended to allow States to unfairly discriminate against out-of-State sellers for the purposes of economic protectionism.

The Twenty-First Amendment Enforcement Act would add a new section (section 2) to the Webb-Kenyon Act, granting Federal court jurisdiction to injunctive relief actions brought by State attorneys general seeking to enforce State laws dealing with the importation or transportation of alcoholic beverages. It is important to emphasize that Congress is not passing on the advisability or legal validity of the many State laws dealing with alcoholic beverages. Whether a particular State law on this subject is a valid exercise of State power is, and will continue to be, a matter for the courts to decide.

As you know, the powers granted to the States under section 2 of the 21st amendment are not absolute. As the Supreme Court has made clear since 1964, State power under the 21st amendment cannot be read in isolation from other provisions in the Constitution. In Hostetter v. Idlewild Bon Voyage Liquor Corporation, 377 U.S. 324 (1964), the Court began to use a ''balancing test'' or ''accommodation test'' to determine whether a state liquor law was enacted to implement a ''core power'' of the 21st amendment or was essentially an effort to unfairly regulate or burden interstate commerce with an inadequate connection to the temperance goals of the second section of the 21st amendment.

The Court said in Hostetter that ''[B]oth the 21st amendment and the commerce clause are parts of the same Constitution. Like other provisions of the Constitution, each must be considered in the light of the other, and in the context of the issues and interests at stake in any concrete case.'' The Court in that case also emphasized that to draw the conclusion that the 21st amendment has repealed the commerce clause, would be ''patently bizarre'' and ''demonstrably incorrect.''

Subsequently, in a series of other decisions over the last 35 years, the Supreme Court has held that the 21st amendment does not diminish the force of the supremacy clause, the establishment clause, the export-import clause, the equal protection clause, and, again, the commerce clause; nor does it abridge rights protected by the first amendment.

In case after case (Capital Cities Cable, Inc. v. Crisp, 467 U.S. 691, 712 (1984) (supremacy clause); Larkin v. Grendel's Den, Inc., 459 U.S. 116, 122 (1982) (establishment clause); Department of Revenue v. James Beam Co., 377 U.S. 341 (1964) (export-import clause); Craig v. Boren, 429 U.S. 190, 209 (1976) (equal protection); Bacchus Imports, Ltd. v. Dias, 468 U.S. 263, 275 (1984) (commerce clause); 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 516 (1996) (first amendment)), the Court has made it clear that the powers granted to the States under the 21st amendment must be read in conjunction with other provisions in the Constitution.

In Bacchus Imports, the Court stated that the 21st amendment was not designed ''to empower States to favor local liquor industries by erecting barriers to competition.'' Nor are State laws that constitute ''mere economic protectionism . . . entitled to the same deference as laws enacted to combat the perceived evils of an unrestricted traffic in liquor.'' The Bacchus decision stands for the legal principle that the 21st amendment cannot be used by the States to justify liquor laws which, by favoring instate businesses, discriminate against out-of-state sellers or otherwise burden interstate commerce. Economic discrimination is not a core purpose of the 21st amendment.

Earlier this year, when the Senate Judiciary Committee considered S. 577, I offered an amendment to the ''Rules of Construction'' section of Senator HATCH's substitute to S. 577. The amendment was intended to clarify that Congress recognizes the important line of cases I have described today and does not intend to tip or alter the critical balance between the 21st amendment and other provisions in the Constitution, such as the commerce clause. I also thought it was important that we make it clear that, in passing this jurisdictional statute, we are neither endorsing any existing State liquor laws nor prejudging the validity of any State liquor laws. In making a decision as to whether to issue an injunction, the Federal judge will look at the underlying State statute and determine whether or not it has been violated and whether it is a constitutionally permissible exercise of State authority.

The committee adopted my amendment by a unanimous voice vote and the language of subsection 2(e) now reflects the committee's intent. It states that this legislation is to be construed only to extend the jurisdiction of the Federal courts in connection with a State law that is a valid exercise of State power: (1) under the 21st amendment of the U.S. Constitution as such an amendment is interpreted by the Supreme Court of the United States, including interpretations in conjunction with other provisions of the U.S. Constitution; and (2) under the first section of the Webb-Kenyon Act as interpreted by the Supreme Court of the United States. Further, S. 577 is not to be construed as granting the States any additional power.

The legislative history of both the Webb-Kenyon Act and the second section of the 21st amendment reflect the fact that Congress intended to protect the right of the individual States to enact laws to encourage temperance within their borders. So both before the establishment of nationwide prohibition and after its repeal, the States have been free to enact statewide prohibition laws, and to enact laws allowing the local governments (i.e. counties, cities, townships, etcetera) within their borders to exercise ''local option'' restrictions on the availability of alcoholic beverages. Further, the States are also free to enact laws limiting the access of minors to alcoholic beverages under their police powers.

The language in subsection 2(e) reinforces the Supreme Court decisions holding that the 21st amendment is not to be read in isolation from other provisions contained in the U.S. Constitution. These cases have recognized that State power under section 2 of the 21st amendment is not unlimited and must be balanced with the other constitutional rights protected by commerce clause, the supremacy clause, the export-import clause, the equal protection clause, the establishment clause and the first amendment.

The substitute to S. 577 offered in the Judiciary Committee by Senator HATCH also made a number of other positive changes in this legislation.

Federal court jurisdiction is granted only for injunctive relief actions by State attorneys general against alleged violators of State liquor laws. However, actions in Federal court are not permitted against persons licensed by that State, nor are they permitted against persons authorized to produce, sell, or store intoxicating liquor in that State.

The Hatch substitute also made other changes ensuring that the bill tracks the due process requirements of rule 65 of the Federal Rules of Civil Procedure concerning suits for injunctive relief in Federal court. Under subsection 2(b), a State attorney general must have ''reasonable cause'' to believe that a violation of that State's law regulating the importation or transportation of intoxicating liquor has taken place. Further, under subsection 2(d)(1) the burden of proof is on the State to show by a preponderance of the evidence that a violation of State law has occurred. Similarly, subsection 2(d)(2) makes it clear that no preliminary injunction may be granted except upon evidence: (A) demonstrating the probability of irreparable injury; and (B) supporting the probability of success on the merits. Also, under subsection 2(d)(3) no preliminary or permanent injunction may be issued without notice to the adverse party and an opportunity for a hearing on the merits. While the legislation makes it clear that an action for injunctive relief under this act is to be tried before the Court without a jury, at the same time a defendant's rights to a jury trial in any separate or subsequent State criminal proceeding are intended to be preserved.

The amendments adopted in the Judiciary Committee bring both balance and fairness to this legislation. As amended, the Twenty-First Amendment Enforcement Act will assist in the enforcement of legitimate State liquor laws that are genuinely about encouraging temperance or prohibiting the sale of alcohol to minors. At the same time, the amended bill reflects a recognition on the part of the Judiciary Committee, the Senate, and the Congress that S. 577 is solely a jurisdictional statute and is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts.●

Mrs. LINCOLN. Mr. President, I rise today to express my support for two very important pieces of legislation to the women of this country: the Violence Against Women Act and the National Breast and Cervical Cancer Treatment Act.

Combating domestic violence and child abuse has been a top priority for me. I am an early cosponsor of the Violence Against Women Act of 2000 . . . And I joined with my colleagues in 1994 to pass the Violence Against Women Act, making it clear that violence against women is unacceptable.

Changing our laws and committing $1.6 billion over six years to police, prosecutors, and battered women shelters has helped America crack down on abusers and extend support to victims.

My home state of Arkansas has received almost $16 million in resources to help women who have been or are being abused. This money has made a tremendous difference to women and their families in Arkansas.

According to the Department of Justice, fewer women were killed by their husbands or boyfriends in the first two years after the Act's passage than in any year since 1976. We cannot stop this progress now.

By voting to continue the Violence Against Women Act, we send a signal to women across the country that they and their children will have options to chose from and a support network to rely on when they leave an abusive relationship. It also reinforces the message to abusers that their actions will not be tolerated or ignored.

I am also glad to see the Act expanded to include funding for transitional housing for women and children who are victims of violence, as well as resources for specific populations such as Native Americans and the elderly . . . Mr. President, I'd also like to take a minute to recognize National Breast Cancer Awareness Month and to call on the House to pass the National Breast and Cervical Cancer Treatment Act.

This bill will provide treatment to low-income women screened and diagnosed through the CDC National Breast and Cervical Cancer Early Detection Program.

Since 1990, the Centers for Disease Control's National Breast and Cervical Cancer Early Detection Program screens and diagnoses low-income women for breast and cervical cancer, but does not guarantee them treatment once diagnosed.

Nationwide, thousands of women are caught in a horrible federal loophole—

they are told they have a deadly disease with no financial hope for treatment.

The American Cancer Society estimates that in the year 2000, 400 women in Arkansas will die of breast cancer, and 1,900 women will be diagnosed with it.

Luckily, my home state is currently administering an effective breast cancer screening program for uninsured women. This program has helped improve the rate of early diagnosis and also provides financial assistance for treatment.

However, right now, the CDC program reaches only 15 percent of eligible women . . .

Through the Breast and Cervical Cancer Treatment Act, Arkansas would benefit from being able to free up resources for education and outreach, to help more women across the state.

Unfortunately, Mr. President, the fight to enact this legislation is not over.

After a 421–1 passage in the House in May, this critical bill passed the Senate on Wednesday, October 4, 2000 by unanimous consent. It now must go back to the House of Representatives for a vote on the Senate-passed version and then be sent to the President for his signature. I urge my colleagues in the House to move on this legislation, so that the President can sign it into law.

And I also urge all of the women in my state to get screened this month. Every three minutes a woman is diagnosed with breast cancer, and every 12 minutes a woman dies from breast cancer. Early detection is key.

I hope the women of Arkansas, especially if they have a family history of the disease, will take time during National Breast Cancer Awareness Month to take a step that could save their lives.

Mr. KYL. Mr. President, I would like to briefly describe one item I was very pleased to see included in this legislation. The item to which I refer is a proposal of mine, the Campus Sex Crimes Prevention Act. I would like to thank Chairman HATCH and Senator BIDEN for their cooperation in getting this proposal included in the Violence Against Women Act, which has now been incorporated into the Trafficking Victims Protection Act.

The purpose of this provision is to guarantee that, when a convicted sex offender enrolls or begins employment at a college or university, members of the campus community will have the information they need to protect themselves. Put another way, my legislation ensures the availability to students and parents of the information they would already receive—under Megan's Law and related statutes—if a registered sex offender were to move into their own neighborhood.

Current law requires that those convicted of crimes against minors or sexually violent offenses to register with law enforcement agencies upon their release from prison and that communities receive notification when a sex offender takes up residence. The Campus Sex Crimes Prevention Act provides that offenders must register the name of any higher education institution where they enroll as a student or commence employment. It also requires that this information be promptly made available to law enforcement agencies in the jurisdictions where the institutions of higher education are located.

Here is how this should work. Once information about an offender's enrollment at, or employment by, an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.

The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.

If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus.

In order to ensure that the information is readily accessible to the campus community, the Campus Sex Crimes Prevention Act requires colleges and universities to provide the campus community with clear guidance as to where this information can be found, and clarifies that federal laws governing the privacy of education records do not prevent campus security agencies or other administrators from disclosing such information.

The need for such a clarification was illustrated by an incident that occurred last year at Arizona State University when a convicted child molester secured a work furlough to pursue research on campus. University officials believed that the federal privacy law barred any disclosure of that fact.

Without a clear statement that schools are free to make this information available, questions will remain about the legality of releasing sex offender information. The security unit at Arizona State and its counterparts at a number of other colleges asked for this authority, and we should give it to them.

The House of Representatives passed a similar provision—authored by Congressman MATT SALMON—earlier this year. Since then, I—along with Congressman SALMON—have worked to address the concerns that some in the higher education community had about possible unintended consequences of this legislation. I am pleased to report that, in the course of those negotiations, we were able to reach agreement on language that achieved our vital objectives without exposing colleges to excessive legal risks.

For the helpful role they played in those discussions, I must thank not only Senator HATCH, Senator BIDEN, and Congressman SALMON, but Senators JEFFORDS and KENNEDY, the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor and Pensions.

I appreciate the opportunity briefly to describe what I have tried to accomplish with this amendment.

Mr. JOHNSON. Mr. President, I am pleased the Senate today will vote on legislation to reauthorize the landmark Violence Against Women Act. The legislation is part of a larger bill that also helps end the trafficking of women and children into international sex trades, slavery, and forced labor. This bill passed the House of Representatives last week, and I am confident the President will sign it into law.

I have been involved in the campaign to end domestic violence in our communities dating back to 1983 when I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. At that time, thousands of South Dakota women and children were in need of shelters and programs to help them. However, few people wanted to acknowledge that domestic abuse occurred in their communities, or even their own homes.

In 1994, as a member of the U.S. House of Representatives, I helped get the original Violence Against Women Act passed into law. Since the passage of this important bill, South Dakota has received over $8 million in funding for battered women's shelters and family violence prevention and services. Nationwide, the Violence Against Women Act has provided over $1.9 billion toward domestic abuse prevention and victims' services.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year, and over 40 domestic violence shelters and outreach centers in the state received funding through the Violence Against Women Act. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Some of these examples include:

The Mitchell Area Safehouse started the first Family Visitation Center in the state with these funds. The center ensures that children receive safe and monitored visits with their parents when violence has been a factor in their home environment. Now there are 9 such centers in the state.

The Winner Resource Center for Families received funding to provide

emergency shelter, counseling services, rent assistance, and clothing to women and children in south-central South Dakota.

Violence Against Women Act funding has also allowed Minnehaha County and Pennington County to hire domestic court liaisons to assist with the Protection Order process.

In Rapid City, Violence Against Women Act funding also allowed Working Against Violence Inc. (WAVI) to develop a Sexual Assault Program and provide specialized crisis intervention and follow-up for child and adult survivors of rape.

On the Crow Creek reservation, Violence Against Women Act funding helped the tribal justice system to develop stalking, sexual assault, and sexual harassment tribal codes. Similar efforts have been realized on the Rosebud and Sisseton-Wahpeton reservations through this program.

The original Violence Against Women Act expired last Saturday, October 1, and I once again led the fight in the Senate this year to reauthorize this legislation. The bill that the Senate will vote on today authorizes over $3 billion for domestic abuse prevention programs. I am especially pleased that the bill includes a provision I supported that targets $40 million a year in funding for rural areas.

The National Domestic Violence Hotline is also reauthorized in this legislation. As you know, this hotline has received 500,000 calls from women and children in danger from abuse since its creation in 1994. The hotline's number is 1–800–799–SAFE, and I encourage any woman or child who is in an abusive environment to call for help.

The original Violence Against Women Act increased penalties for repeat sex offenders, established mandatory restitution to victims of domestic violence, codified much of our existing laws on rape, and strengthened interstate enforcement of violent crimes against women. I am pleased to support efforts this year that strengthen these laws, expand them to include stalking on the internet and via the mail, and extend them to our schools and college campuses.

Passage of the Violence Against Women Act reauthorization bill is another important step in the campaign against domestic violence. While I am pleased that this historic legislation will soon be on its way to the President for his signature, the fact remains that domestic violence remains a reality for too many women and children in our country and in South Dakota. I will continue to do all that I can, as a member of the United States Senate and a concerned citizen of South Dakota, to help victims of domestic violence and work to prevent abuse in the first place.

Mr. HUTCHINSON. Mr. President, I rise in support of the Trafficking Victims Protection Act and I want to commend my colleagues Senator BROWNBACK and Senator WELLSTONE for their hard work on this legislation.

Inge had hoped for a better life when she left her home in Veracruz, Mexico—for legitimate work that would pay her well. She was hoping to earn money in a restaurant or a store and earn money to bring back to her family.

She never expected a smuggling debt of $2,200. She never expected to be beaten and raped until she agreed to have sex with 30 men a day. She never expected to be a slave—especially not in the United States—not in Florida.

So she got drunk before the men arrived. And when her shift was done, she drank some more. Inge would soak herself in a bathtub filled with hot water—drinking, crying, smoking one cigarette after another—trying any way she could to dull the pain. And she would go to sleep drunk or pass out—until the next day when she had to do it all again.

Unfortunately, Inge's case is not unique. It is a horrific story played out every day in countries all over the world. In fact, at least 50,000 women and children are trafficked into the U.S. each year and at least 700,000 women and children are trafficked worldwide. These women and children are forced into the sex industry or forced into harsh labor, often by well organized criminal networks. Traffickers disproportionately target the poor, preying on people in desperate economic situations. They disproportionately target women and girls—all of this for money.

Trafficking of women and children is more than a crime—it is an assault on freedom. It is an assault on that founding principle of our nation, ''. . . that all men are created equal, that they are endowed by their Creator with certain unalienable rights. . .'' It is an assault on the very dignity of humanity.

Yet the protections we have against trafficking are inadequate. That is why the Trafficking Victims Protection Act is so vital.

This legislation takes several approaches to address this human rights abuse. It requires expanded reporting by the State Department in its annual human rights report on trafficking, including an assessment and analysis of international trafficking patterns and the steps foreign governments have taken to combat trafficking. It also requires the President to establish an interagency task force to monitor and combat trafficking.

As a means of deterring trafficking, the President, through the Agency for International Development (AID) must establish initiatives, such as microlending programs to enhance economic opportunities for people who might be deceived by traffickers' promises of lucrative jobs. In addition, this legislation establishes certain minimum standards for combating trafficking and authorizes funding through AID and other sources to assist countries to meet these standards. The President can take other punitive measures against countries that fail to meet these standards.

The bill also creates protections and assistance for victims of trafficking, including a new nonimmigrant ''T'' visa. At the same time, punishments for traffickers are increased through asset seizure and greater criminal penalties.

All of these provisions are important for strengthening U.S. and foreign law and for combating trafficking. I strongly support them.

It is a sad consequence of globalization that crime has become more international in its scope and reach. These seedy sex industries know no boundaries. Traffickers use international borders to trap their victims in a foreign land without passports, without the ability to communicate in the local language, and without hope.

But just as trafficking has become global, so must our efforts to fight trafficking. That is why I also support an appropriation in the Commerce-Justice-State Appropriations bill for $1.35 million earmarked for the Protection Project. This legal research institute at the Johns Hopkins School of Advanced International Studies is a comprehensive analysis of the problem of international trafficking of women and children. Led by Laura Lederer, a dozen researchers have been documenting the laws of 190 independent states and 63 dependencies on trafficking, forced prostitution, slavery, debt bondage, extradition, and other relevant issues. When it is complete, the Protection Project will produce a worldwide legal database on trafficking, along with model legislation for strengthening protections and recommendations for policy makers.

At the moment, the Protection Project is at a critical phase of research and funding is crucial. For the last few years, the State Department's Bureau of International Narcotics and Law Enforcement Affairs has been funding the project, along with private donations made to Harvard University, where the project was formerly housed. However, with its transition to Washington and Johns Hopkins, the project has lost private funding and has suffered a nine-month delay in its research.

I urge my colleagues on the CJS conference to retain the Senate earmark for this project. The research that the project is producing is critical to understanding, fighting, and ultimately winning the war against international trafficking of women and children.

Mr. TORRICELLI. Mr. President, I rise in support of the adoption of the conference report to H.R. 3244, the Sexual Trafficking Victims Protection

Act. This conference report contains two pieces of legislation that are critically important for ensuring the safety of women and their children in our Nation as well as around the world, the Reauthorization of the Violence Against Women Act of 1994 and the Sexual Trafficking Victims Protection Act. I am extraordinarily pleased that the Senate is finally poised to join our colleagues in the House and pass both of these legislative proposals. Although it is unfortunate that Congress allowed the Violence Against Women Act to expire at the end of the fiscal year on September 30, 2000, today's action on this legislation goes a long way towards sending a message to battered women and their children that domestic violence is a national concern deserving the most serious consideration.

An important component of the Reauthorization of the Violence Against Women Act that is contained in the conference report today is the provision of resources for transitional housing. Due to the fact that domestic violence victims often have no safe place to go, these resources are needed to help support a continuum between emergency shelter and independent living. Many individuals and families fleeing domestic violence are forced to return to their abusers because of inadequate shelter or lack of money. Half of all homeless women and children are fleeing domestic violence. Even if battered women leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional facilities are often located far from a victim's neighborhood. And, if emergency shelter is available, a supply of affordable housing and services are needed to keep women from having to return to a violent home.

Due to the importance of ensuring that battered women may access transitional housing, I remain concerned that the conference report provides only a one-year authorization for the transitional housing programs. Consequently, I intend to work closely with my colleagues throughout next year to ensure the continued authorization and funding of these critical programs. I look forward to working with my colleagues to strengthen transitional housing programs for battered women and their children and I hope they will lend their strong support to this effort.

Mr. ABRAHAM. I rise to express my strong support for this conference report. It contains two very important measures: the Trafficking Victims Protection Act, aimed at combating the scourge of sex trafficking, and the Violence Against Women Act of 2000, aimed at reauthorizing and improving on federal programs and other measures designed to assist in the fight against domestic violence.

I would first of all like to extend my compliments to Senator BROWNBACK, Congressman SMITH, Senator WELLSTONE, Senator HELMS, Senator HATCH, and others, including their staff, who worked so hard on the trafficking portion of this legislation. The problem of international sex trafficking that they have tackled is a particularly ugly one, and I commend them for all the work they have invested in devising effective means to address it.

I would like to concentrate my own remarks on the second half of this legislation, the Violence Against Women Act of 2000. I was proud to be an original cosponsor of the Senate version of this bill, and I am very pleased to see that the efforts of everyone involved are about to become law.

The 1994 Violence Against Women Act has been crucial in reducing violence perpetrated against women and families across America. VAWA 1994 increased resources for training and law enforcement, and bolstered prosecution of child abuse, sexual assault, and domestic violence cases. States have changed the way they treat crimes of violence against women; 24 States and the District of Columbia now mandate arrest for most domestic violence offenses.

States have also relieved women of some of the costs associated with violence against them. For example, as a result of VAWA, all have some provision for covering the cost of a forensic rape exam. Most notably, VAWA 1994 provided much-needed support for shelters and crisis centers, funded rape prevention and education, and created a National Domestic Violence Hotline.

Nevertheless, much remains to be done. In Michigan alone, in 1998 we had more than 47,000 incidents of domestic violence, including 46 homicides. About 85 percent of the victims of those incidents were women. We must continue to do what we can to deter and prevent this kind of violence, and to make services available to its victims.

The legislation before us today continues the important work begun in 1994 by reauthorizing these important programs. And make no mistake about it, we must do so if we are to continue with the progress we have made.

In Michigan, for example, despite our much heightened awareness of the devastating impact of sexual abuse, in many communities VAWA grants are the only source of funding for services for rape victims. I am told that this is true nationally as well. Forty-five shelters serving 83 counties receive funding from VAWA grants. Reauthorizing VAWA is critical so as to provide the assurance of continued congressional commitment needed to ensure that these services do not dry up.

That is why I am so delighted that this conference report is about to be enacted into law. I would especially like to note how pleased I am with the results the conference reached on a couple of particular provisions.

First, I would like to discuss the funding the bill provides for rape education, services to victims, and prevention. This critical funding is used for, among other things, helping survivors of rape and sexual assault come to terms with what has happened to them so that they are able to get on with their lives and also assist in the prosecution of the perpetrators of these crimes. It is also used to educate investigators and medical personnel on the best protocols to use to collect evidence in these cases.

I would like to give a few examples of instances of how this is working in Michigan. A 21-year-old single woman was raped. She became pregnant as a result of the rape. She decided that she wanted to carry the baby to term. She had to deal with her own very complex emotions about her pregnancy, her changed relationship with her boyfriend, and the enormous difficulties of raising a child as a single parent. The VAWA money for rape services funded the counseling to help her with this overwhelmingly difficult set of decisions and circumstances.

VAWA rape money also funded services for a 63-year-old woman who was sexually assaulted. With that help, she was able to come to terms with what had happened, and testify against the rapist.

To give just one more example: VAWA rape money is being used right now to fund a new sexual assault nurse examining program. This program provides a sympathetic and expert place for survivors to go after they have been assaulted where they will be treated with respect and understanding and where the evidence will be collected correctly.

The reason I have come to know so much about this particular aspect of VAWA is that when my wife Jane met with the Michigan Coalition Against Domestic and Sexual Violence in Oakland County on June 30 of this year, its director, Mary Keefe, indicated to her that while she was generally very pleased with the reauthorization legislation we were working on here in the Senate, the $50 million we were proposing for this particular aspect of VAWA, the rape education and prevention component, just wasn't enough. She indicated her hope that we would be able to raise that to the $80 million figure in the House bill. Jane passed that along to me, and once I understood how this money was used and was able to explain how important it was, with Senator HATCH's and Senator BIDEN's assistance, the Senate proposal was increased to $60 million.

I continued to follow this matter as the bill was progressing through conference. Yesterday I was delighted to be able to tell my staff to let Ms. Keefe

know that the conference bill accommodates her request fully, and authorizes $80 million in funding for these grants for the next 5 years. One important purpose for which I am sure some of these funds will be used is educating our kids about relatively less well known drugs like GHB, the date rape drug that claimed the life of one of my constituents and was the subject of legislation I worked on earlier this Congress.

Second, I am pleased that the conference report contains the new Federal law against cyberstalking that I introduced a few months ago. As the Internet, with all its positives, has fast become an integral part of our personal and professional lives, it is regrettable but unsurprising that criminals are becoming adept at using the Internet as well.

Hence the relatively new crime of ''cyberstalking,'' in which a person uses the Internet to engage in a course of conduct designed to terrorize another. Stalking someone in this way can be more attractive to the perpetrator than doing it in person, since cyberstalkers can take advantage of the ease of the Internet and their relative anonymity online to be even more brazen in their threatening behavior than they might be in person.

Some jurisdictions are doing an outstanding job in cracking down on this kind of conduct. For example, in my own State, Oakland County Sheriff Michael J. Bouchard and Oakland County Prosecutor Dave Gorcyca have developed very impressive knowledge and expertise about how to pursue cyberstalkers.

This legislation will not supplant their efforts. It will, however, address cases that it is difficult for a single State to pursue on its own, those where the criminal is stalking a victim in another State. In such cases, where the criminal is deliberately using the means of interstate commerce to place his or her victim in reasonable fear of serious bodily injury, my bill will allow the Federal Government to prosecute that person.

The existence of a Federal law in this area should also help encourage local authorities who do not know where to start when confronted with a cyberstalking allegation to turn to Federal authorities for advice and assistance. There is little worse than the feeling of helplessness a person can get if he or she is being terrorized and just cannot get help from the police. Much of VAWA 2000 is aimed at helping the authorities that person turns to respond more effectively. That is a central function of the cyberstalking provisions as well.

Finally, I am very pleased that the conference report includes the core provisions from the Senate bill that I developed along with Senator KENNEDY, Senator HATCH, and Senator BIDEN to address ways in which our immigration laws remain susceptible of misuse by abusive spouses as a tool to blackmail and control the abuse victim.

This potential arises out of the derivative nature of the immigration status of a noncitizen or lawful permanent resident spouse's immigration status. Generally speaking, that spouse's right to be in the U.S. derives from the citizen or lawful permanent resident spouse's right to file immigration papers seeking to have the immigration member of the couple be granted lawful permanent residency.

In the vast majority of cases, granting that right to the citizen or lawful permanent resident spouse makes sense. After all, the purpose of family immigration is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse can do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subject to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse.

VAWA 1994 also allowed abused spouses placed in removal proceedings to seek ''cancellation of removal,'' a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent.

The conference report follows the Senate VAWA reauthorization bill in building on the important work of VAWA 1994 in these areas. I will not describe all of the provisions of title V of division B of this bill, but I will discuss one of them, which I believe is the most important one.

In this bill, we establish procedures under which a battered immigrant can take all the steps he or she needs to take to become a lawful permanent resident without leaving this country. Right now, no such mechanism is available to a battered immigrant, who can begin the process here but must return to his or her home country to complete it.

VAWA 1994 created a mechanism for the immigrant to take the first step, the filing of an application to be classified as a battered immigrant spouse or child. But it did not create a mechanism for him or her to obtain the necessary papers to get lawful permanent residency while staying in the U.S. That is because at the time it was enacted, there was a general mechanism available to many to adjust here, which has since been eliminated. As a result, under current law, the battered immigrant has to go back to his or her home country, get a visa, and return here in order to adjust status.

That is not true of spouses whose citizens or lawful permanent resident husband or wife is filing immigration papers for them. They do have a mechanism for completing the whole process here. Section 1503 of this bill gives the abused spouse that same right.

The importance of such a provision is demonstrated, for example, by the case of a battered immigrant whose real name I will not use, but whom I will instead call Yaa. I use her as an example because her case arose in my own State of Michigan.

Yaa is a 38-year-old mother of two from Nigeria. She met her husband, whom I will call Martin, while he was visiting family members in Nigeria. After a long courtship, Martin persuaded Yaa to marry him and join him in the United States. He told her he would help her further her education and file the necessary papers to enable her to become a lawful permanent resident.

Following their marriage, Martin assisted Yaa in obtaining a visitor's visa. When she arrived in the United States, however, he did not follow through on any of his promises. He refused to support her going to school, and indeed would not let her leave the house for fear that other men might find her attractive and steal her away. He also refused to file immigration papers for her and threatened her with deportation if she ever disobeyed his orders.

After the birth of their first child, Martin began physically abusing Yaa. He slapped her if she questioned his authority or asked about her immigration status. He spat on her if she refused to have sex with him. He used a hidden recording device to tape all of her phone conversations. As a result, she came to feel that she was a prisoner in her own home.

On one occasion, Martin beat Yaa with his fists and a bottle of alcohol. Yaa suffered severe facial injuries and had to be rushed to a hospital by ambulance for treatment. This incident resulted in Martin's arrest and prosecution for domestic violence. Martin retaliated by refusing to pay the mortgage, buy food, or other necessities. At that point, with the help of her best friend, Yaa moved out, found a job, and filed a self-petition under VAWA. INS approved her self-petition, and Yaa has obtained a restraining order against Martin.

Unfortunately, she still has to go to Nigeria to obtain a visa in order to complete the process of becoming a lawful permanent resident. And this is a major problem. Martin's family in Nigeria blames her for Martin's conviction. They have called her from there and threatened to have her deported because she ''brought shame'' to the family. They also know where she lives in Nigeria and they have threatened to hurt her and kidnap the children if she comes back. She has no one in the U.S. to leave the children with if she were to return alone. She is also frightened of what Martin's family will do to her if she sets foot in Nigeria.

Yaa should be allowed to complete the process of becoming a lawful permanent resident here in the United States, without facing these risks. Our legislation will give her the means to do so.

Of all the victims of domestic abuse, the immigrant dependent on an abusive spouse for her right to be in this country faces some of the most severe problems. In addition to the ordinary difficulties that confront anyone trying to deal with an abusive relationship, the battered immigrant also is afraid that if she goes to the authorities, she risks deportation at the instance of her abusive spouse, and either having her children deported too or being separated from them and unable to protect them.

We in Congress who write the immigration laws have a responsibility to do what we can to make sure they are not misused in this fashion. That is why I am so pleased that the final version of this legislation includes this and other important provisions.

I would like to extend special thanks to Senator KENNEDY and his staff, especially Esther Olavarria, who has worked tirelessly on this portion of the bill; to Senator HATCH and his staff, especially Sharon Prost, whose assistance in crafting these provisions and willingness to invest time, effort and capital in making the case for them has been indispensable; to Senator BIDEN and his staff, especially Bonnie Robin-Vergeer, whose commitment to these provisions has likewise been vital; to House Judiciary Committee Chairman HYDE and House Crime Subcommittee Chairman BILL MCCOLLUM, for their support at key moments; to the indefatigable Leslye Orloff of the NOW Legal Defense Fund, whose ability to come up with the ''one more thing'' desperately needed by battered immigrants is matched only by her good humor and professionalism in recognizing that the time for compromise has come; and to the sponsors of H.R. 3244 and S. 2449, for allowing their bill to become the vehicle for this important legislation.

I would also like to thank all of the organizations in Michigan that have been working so hard to help in the fight against domestic and sexual violence. I would like to extend particular thanks to a couple of the people there who have been particularly helpful to me, to my wife Jane, and to members of my office as we have been learning about these issues: to Mary Keefe of the Michigan Coalition Against Domestic and Sexual Violence, whom I mentioned earlier; to Hedy Nuriel and Deborah Danton of Haven; to Shirley Pascale of the Council Against Domestic Assault; to Deborah Patterson of Turning Point, and to Valerie Hoffman of the Underground Railroad.

I yield the floor.

Mr. DURBIN. Mr. President, with the passage of the Violence Against Women Act in 1994, the Federal Government for the first time adopted a comprehensive approach to combating violence against women. This bill included tough new criminal penalties and also created new grant programs to help both women and children who are victims of family violence.

Since that time, violence against women has significantly decreased. But in spite of these improvements, far more needs to be done.

Every 20 seconds a woman is raped and/or physically assaulted by an intimate partner and nearly one-third of women murdered each year are killed by a husband or boyfriend.

Domestic violence still remains the leading cause of injury to women ages 15 to 44 and sadly, there are children under the age of twelve in approximately four out of ten houses that experience domestic violence.

Many victims of domestic violence are not recognized and therefore do not get the help that they need.

I am happy to report that the conference report includes several provisions that I authored with Senator COLLINS to assist both older and disabled women who are the victims of domestic violence. Those provisions were part of S. 1987, the Older and Disabled Women's Protection from Violence Act.

Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not stop because the family member grows older. Neither do they stop because the family member is disabled. To the contrary, several studies show that the disabled suffer prolonged abuse compared to non-disabled domestic violence victims. Violence is too often perpetrated on those who are most vulnerable.

In some cases, the abuse may become severe as the victim ages or as disability increases and the victim becomes more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability.

It also is true that older and disabled victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing.

Every 7 minutes in Illinois, there is an incidence of elder abuse.

Several research studies have shown that elder abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported.

National and State specific statistics are not available for domestic abuse against disabled individuals. However, several studies of specific areas indicate that abuse is of longer duration for women with disabilities compared to women without a disability. Canadian studies over the last decade indicate that the incidence in that country at least of battery for women with disabilities was 1.5 times higher than for women without a disability. 3 other independent studies indicated that ''Regardless of age, race, ethnicity, sexual orientation or class, women with disabilities are assaulted, raped and abused at a rate of more than two times greater than non-disabled women'' Sobsey 1994, Cusitar 1994, DisAbled Women's Network 1988.

Older and disabled individuals who experience abuse worry they will be banished to a nursing home or institutions if they report abuse.

Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors.

They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain ''silent victims.''

Disabled women also wrestle with the fear that they may lose their children in a custody case if they report abuse.

This bill includes modifications of the STOP law enforcement state grants program and the ProArrest grants program to increase their sensitivity to the needs of older and disabled women. These programs provide funding for services and training for officers and prosecutors for dealing with domestic violence. This training needs to be sensitive to the needs of all victims, young and old, disabled and non-disabled. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Consequently, many people including law enforcement officers may not readily identify older or disabled victims as suffering domestic abuse.

Only a handful of domestic abuse programs throughout the country are reaching out to older and disabled women and law enforcement rarely receive training in identifying victims who are either older or disabled.

The bill also sets up a new training program for law enforcement, prosecutors and others to appropriately identify, screen and refer older and disabled women who are the victims of domestic violence.

Improvement in this program can be made with respect to identifying abuse among all age groups especially seniors who are often overlooked. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an ''old guy'' to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older or disabled women's broken bones have been attributed to disorientation, osteoporosis, or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

With the graying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these programs serve seniors and are sensitive and knowledgeable of elder domestic abuse.

In addition, the disabled's injuries may be falsely attributed to their disability and the bill authorizes a new program for education and training for the needs of disabled victims of domestic violence.

I thank Chairman HATCH and Senator BIDEN for working with me to include these provisions that should help to ensure that Federal Anti-Family Violence Programs are indeed available for all victims whether young or old, or whether able-bodied or a woman with a disability.

In just the past year, the Supreme Court offered an important ruling on the Violence Against Women Act. The decision was certainly not one that I would have hoped for.

In the case of U.S. v. Morrison, the Supreme Court struck down a provision of the Violence Against Women Act that gave victims of rape and domestic violence the right to sue their attackers in federal court. Congress passed this law to give women an additional means of pursuing justice when they are the victims of assault. We passed this law because the States themselves did not always adequately pursue rapists and assailants. And the States acknowledged this.

Thirty-six States had entered this suit on behalf of the woman who had been victimized. They wanted victims of violence against women to retain the right to bring their attackers to court. But the Supreme Court, in a narrow vote, decided otherwise. The vote: five to four.

This action by the Senate reauthorizing the Violence Against Women Act will overcome that court decision.

Mr. ASHCROFT. Mr. President, I would like to offer my strong support for the conference report on H.R. 3244, a bill that will strengthen our laws in order to protect women, children and all victims of domestic violence. The conference report that we will vote on today includes several sections, each of which provides additional protections for vulnerable members of society.

First, the bill contains the Trafficking Victims Protection Act, legislation that has been the passion of the Senator from Kansas, Mr. BROWNBACK, and the Senator from Minnesota, Mr. WELLSTONE. This legislation will combat sexual trafficking of women and children—the deepest violation of human dignity and an unspeakable tragedy. Second, the conference report contains a bill that we have heard a lot about in the last several weeks—the reauthorization of the Violence Against Women Act—to provide funding for programs to combat domestic violence and assist victims of domestic violence—both male and female. The original Violence Against Women Act authorization expired on October 1, 2000, and I am pleased to be a cosponsor of the reauthorization bill sponsored by Senators HATCH and BIDEN (S. 2787). The third main section of the bill contains anti-crime measures including provisions to encourage States to incarcerate, for long prison terms, individuals convicted of murder, rape, and dangerous sexual offenses. Together, these provisions form a comprehensive approach to fighting abuse against the most vulnerable members of society.

It is tragic that as we stand on the brink of the 21st Century the world is still haunted by the practice of international trafficking of women and children for sex, forced labor and for other purposes that violate basic human rights. The frequency of these practices is frightening. For example, an estimated 10,000 women from the former Soviet Union have been forced into prostitution in Israel; two million children are forced into prostitution every year, half of them in Asia; and more than 50,000 women are trafficked into the United States every year. Unfortunately, existing laws in the United States and other countries are inadequate to deter trafficking, primarily because they do not reflect the gravity of the offenses involved. Where countries do have laws against sexual trafficking, there is too often no enforcement. For example, in 1995, the Netherlands prosecuted 155 cases of forced prostitution, and only four resulted in the conviction of the traffickers. In some countries, enforcement against traffickers is hindered by indifference, corruption, and even official participation.

The conference report before us seeks to improve the lives of women and children around the world by providing severe punishment for persons convicted of operating trafficking enterprises within the United States and the possibility of severe economic penalties against traffickers located in other countries. In addition, it provides assistance and protection for victims, including authorization of grants to shelters and rehabilitation programs, and a limited provision for relief from deportation for victims who would face retribution or other hardships if deported. The bill also creates an Interagency Task Force to monitor and combat trafficking, in order to facilitate and evaluate progress in trafficking prevention, victim assistance, and the prosecution of traffickers. I would like to thank the Senator from Kansas for his tireless work on this issue, and am pleased to support this legislation.

The second main section of this conference report, the Violence Against Women Act (VAWA) of 2000, reauthorizes the Violence Against Women Act through Fiscal Year 2005. VAWA contains a number of grant programs, including the STOP grants, Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, the National Domestic Violence Hotline, and three programs for victims of child abuse, including the court-appointed special advocate program (CASA). In addition, there are targeted improvements to the original language that have been made, such as providing funding for transitional housing assistance, expanding several of the key grant programs to cover violence that arises in dating relationships, and authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault.

There is another issue that has been raised recently and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this bill. It was the original intent of this legislation to direct federal funds toward the most pressing problem—that of domestic violence against women, and violence against women in particular, since the statistics show that the majority of domestic violence is perpetrated against women. But although women are more often victims of such violence than men, it does not mean that men are never victims, or that the problems of domestic violence when men are victims should be ignored. It was not, and is not, the intent of Congress to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. Maybe the bill should be renamed the ''Stop Domestic Violence Act'' in order to more accurately reflect the purposes

of this bill. The Act defines such key terms as ''domestic violence'' and ''sexual assault,'' which are used to determine eligibility under several of the grant programs, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program. I am pleased that this clarification was added to this bill.

I am committed to confronting domestic violence because I believe that all forms of violence and crime destroy lives, hopes, and opportunities. All citizens should be safe from violence at home, in their neighborhoods and at schools. Protecting public safety is a fundamental duty of government, and we must make it clear to criminals that if they commit crime and violence, they will be punished swiftly and severely.

Domestic violence has been a problem in the State of Missouri. In 1999, according to data from the Highway Patrol Criminal Records Division, there were 754 incidents for every 100,000 Missourians. This number is too high, despite the fact that it has been falling from a high of 815/100,000 in 1997. The early nineties saw a disturbing rise in domestic violence reports, from 657 per 100,000 Missourians in 1993 to the high in 1997.

I have worked aggressively in the past, while in service to the state of Missouri, to confront domestic violence. As Governor, I established a special Task Force on Domestic Violence. This task force conducted a comprehensive review of domestic violence in Missouri and researched the efficiency of various programs and services for victims of abuse. Additionally, I supported the Adult Abuse Act of 1989, which provided new protection against domestic violence as well as new services for victims.

October is National Domestic Violence Awareness Month. I would like to enter into the RECORD an article by Doctor Hank Clever, a well-known pediatrician in St. Charles, Missouri. This article appeared in The St. Charles County Post, on October 2, 2000. Dr. Clever outlines the severity of the problem of domestic violence and provides a checklist of behaviors that may help one distinguish if you or someone you know is being abused.

The conference report we are voting on today provides real tools to combat violence against women and children, here in the United States and around the world, as well as new resources to curb domestic violence of all types. I support this conference report and thank Senator BROWNBACK for his leadership in the fight against sex-trafficking, Senators HATCH and BIDEN for their work in the reauthorization of the Violence Against Women Act, and the other members of the Conference Committee for their success in fashioning such strong legislation.

There being no objections, this article was ordered to be printed in the RECORD, as follows.

[From the St. Charles County (MO) Post, Oct. 2, 2000]

DOMESTIC VIOLENCE, IN ALL FORMS, IS THE LEADING CAUSE OF INJURY FOR WOMEN AGES 15–44

(By Dr. Hank Clever)

Hank Clever is a well-known pediatrician in St. Charles. Since retiring from private practice in 1998, Dr. Clever has continued to speak to community groups and organizations about a variety of health-related topics. The Doctor Is In column runs each Monday in the St. Charles County Post. Send questions for Dr. Clever to the Doctor Is In, c/o Public Relations Department, St. Joseph Health Center, 300 First Capitol Drive, St. Charles, Mo. 63301.

October is National Domestic Violence Awareness Month. Before you think, ''Oh, that doesn't affect me,'' think again. Domestic violence affects everyone in the community—abuser, victim, children, family, employers, co-workers and friends. The U.S. surgeon general says domestic violence is the leading cause of injury to women ages 15–44. Domestic violence is more common than rapes, muggings and auto accidents combined.

Domestic violence isn't limited by socioeconomic status, race, ethnicity, age, education, employment status, physical ability or marital status. And, although some men are abused by women, the majority of domestic violence victims are female, making domestic violence one of the most serious public health issues facing women today.

Cathy Blair is with the AWARE program. AWARE stands for Assisting Women with Advocacy, Resources and Education. She is working with the staff at SSM St. Joseph Health Center, SSM St. Joseph Hospital West and the Catholic Community Services of St. Charles County to present a program called ''Strengthening Our Response: The Role of Health Care Provider in Ending Domestic Violence'' on Thursday, Oct. 12, at St. Joseph Health Center.

''Health care providers are often on the front lines to recognize abuse. Their response to the victim and the abuser can be crucial to proper treatment not only of the immediate trauma, but also long-term problem of abuse,'' Blair told me.

When most people think of domestic violence, they think of battered women. However, domestic violence can take many forms, including psychological abuse, emotional abuse, economic abuse, sexual abuse and even legal abuse when a women tries to leave an unhealthy relationship.

''Recognizing what behaviors are part of domestic violence is not always easy, even for victims themselves,'' Blair said. ''This is in part because domestic violence is much more than physical abuse.''

Blair offers the following checklist of behaviors that may help you distinguish if you or someone you know is being abused:

Does your partner use emotional and psychological control—call you names, yell, put you down, constantly criticize or undermine you and your abilities, behave in an overprotective way, become extremely jealous, make it difficult for you to see family or friends, bad-mouth you to family and friends, prevent you from going where you want to, or humiliate and embarrass you in front of other people?

Does your partner use economic control—deny you access to family assets such as bank accounts, credit cards or car, control all the finances, make you account for what you spend, or take your money, prevent you from getting or keeping a job or from going to school, limit your access to health, prescription or dental insurance?

Does your partner make threats—make you afraid by using looks, actions or gestures, threaten to report you to the authorities for something you didn't do, threaten to harm or kidnap the children, display weapons as a way of making you afraid, use his anger as a threat to get what he wants?

Does your partner commit acts of physical violence—carry out threats to you, your children, pets, family members, friends, or himself, destroy personal property or throw things around, grab, push, hit, punch, slap, kick, choke, or bite you, force you to have sex when you don't want to, engage in sexual acts that you don't want to do, prevent you from taking medications or getting medical care, deny you access to foods, fluids or sleep?

If any of these things are happening in your relationship, Blair wants you to know that you are not alone and you have a right to be safe. ''Millions of women are abused by their partners every year,'' she said. ''For free, safe and confidential services, call AWARE at 314–362–9273.''

In addition to AWARE, many other domestic violence resources, including shelters, support services and legal services are available. The AWARE staff will be happy to give you that information.

Physicians, nurses, social workers, risk managers, students and Allied Health professionals who would like to learn more about domestic violence and the important role they can play in identifying and stopping it, should plan to attend the program. The conference is free and includes complimentary parking and lunch, but registration in required. Call 636–947–5621 for more information and to register.

Mr. BINGAMAN. Mr. President, today I rise to support the passage of H.R. 3244, a bill to reauthorize the Violence Against Women Act, VAWA. In 1994, when I voted in favor of the Violence Against Women Act I supported the purposes of the legislation and I believed the grants authorized in VAWA would provide the resources needed by New Mexico organizations, local governments and tribal governments to tackle the growing problem of domestic violence. Now it is six years later and I am pleased to report that I have witnessed first-hand the many benefits of VAWA to New Mexico. I now realize how important VAWA was to New Mexico and I fully appreciate the strides New Mexico was able to make as a result of this legislation. Women and families in New Mexico have benefitted tremendously from VAWA and I rise today to lend my support to passage of VAWA II.

In New Mexico, we now have several organizations that are devoted to stopping violence against women. One example is the PeaceKeepers Domestic Violence Program based at San Juan Pueblo, New Mexico. PeaceKeepers is a domestic violence program that serves individuals that reside within the Eight Northern Pueblos which include the pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque and Taos. Peacekeepers is a consortium of individuals and is comprised of social workers, counselors, victims advocates, a civil attorney and a prosecutor. Because of VAWA grants, PeaceKeepers has been able to implement a comprehensive approach to address domestic violence in Indian Country.

The social workers and counselors provide counseling to victims, batterers and children of victims. Approximately twenty men have completed the 24 week batterers therapy program and are working to improve their lives and the lives of their families. The victims advocates provide support in court, assist with obtaining and enforcing protection orders and aid victims with legal matters and basic housing needs. The prosecutor on the Peacekeepers panel is made possible because of a VAWA Rural Victimization grant.

PeaceKeepers also provides training for tribal courts, law enforcement and tribal government personnel on domestic violence issues. The civil attorney also assists victims with legal assistance on matters such as child support, custody issues and protection orders. Safety for victims and accountability for offenders is the primary goal of PeaceKeepers. In the end, PeaceKeepers is about providing information, options and advocacy to victims of domestic violence.

When VAWA passed in 1994, the States and local organizations were finally provided with the resources they needed to implement programs to respond to the problem of violence against women. I am told repeatedly by sheriffs in counties throughout New Mexico that their urgent calls are usually the result of a domestic violence situation occurring. While VAWA has not stopped domestic violence from occuring, it has provided law enforcement agencies and courts with the training and resources they need to respond to domestic violence cases. Most importantly, VAWA has provided States and local organizations with the resources to begin tackling the underlying problems of domestic violence and given them resources to develop innovative methods to start breaking the cycle of violence in our communities.

Another organization in New Mexico that I am proud to support is the Esperanza Domestic Violence Shelter in northern New Mexico. I became acquainted with Esperanza a few years ago when they approached me because they were having trouble meeting the needs of their community. Esperanza operates in four counties and in 1998, Esperanza helped more than 2,000 people, including 1,100 victims of domestic violence, 510 children and teens and 424 abusers. As the name indicates, Esperanza offers women and families hope. Hope that they can live in a safe home, hope that they can survive outside of an abusive relationship and hope that they can offer a better life for their children. Esperanza has provided the supportive services needed for victims that reside in the extensive rural areas of New Mexico—victims who were often overlooked before VAWA.

I am very disappointed that it has taken so long for the Senate to take up and reauthorize VAWA. Last year when the reauthorization bill was introduced by Senator BIDEN, I agreed to cosponsor the legislation because I understand the importance of VAWA to New Mexico. Since 1994, New Mexico agencies have received over $17 million in VAWA grants. These VAWA grants have reached all four corners of my state and they have impacted the lives of thousands of New Mexicans.

One of the benefits of VAWA is that it authorized grants to address a variety of problems associated with violence against women. In 1999, Northern New Mexico Legal Services, Inc. received $318,500 under the Civil Legal Assistance grant program. In 1998, the City of Albuquerque received $482,168 under the Grants to Encourage Arrest Policies grant program. And between 1996 and this year, 20 New Mexico organizations received grants under the Rural Domestic Violence and Child Abuse grant program—20 grants totaling over $6.5 million.

In addition, Indian tribes in New Mexico have benefitted significantly from the passage of VAWA. So far, nine tribal governments and tribal-related organizations received nearly $2 million in grants under the Violence Against Women Discretionary Grants for Indian Programs. I am pleased to see that the pueblos of Acoma, Jemez, Laguna, San Felipe, Santa Ana and Zuni have been proactive and sought out these VAWA grants to make their pueblos a safer place for women and a better place for families. The State of New Mexico has also benefitted enormously from VAWA. Since 1995, the New Mexico Crime Victims Reparations Commission has been awarded over $6 million in VAWA funds.

Unless VAWA is reauthorized, domestic violence shelters in New Mexico will be closed, rape crisis centers will be shut down and thousands of victims of violence will be left without the options they have been provided under VAWA. This isn't speculation. I have received calls from police chiefs, shelter directors, church leaders, and other citizens who have told me that they will have to shut down their programs unless VAWA is reauthorized. Moreover, many prosecutors in New Mexico will lose the resources they have utilized to prosecute crimes against women. Because of the objections to bringing up VAWA for debate in the Senate, the original VAWA was allowed to expire on September 30th. That should not have happened. The House of Representatives voted overwhelmingly in favor of reauthorizing VAWA by a vote of 415–3 before VAWA expired. We need to reauthorize the Violence Against Women Act and we need to do it now.

While violence in the United States has fallen dramatically over the past 6 years, the Bureau of Justice Statistics reports that almost one-third of women murdered each year are killed by a husband or boyfriend. I believe the drop in crime we have experienced over the past 6 years is partly attributable to the passage of VAWA and the resources it made available to combat violence against women. We should not turn back the clock and go back to the level of violence we experienced in 1993. We should not go back to the days when people did not discuss domestic violence and women in abusive relationships lacked options for them and their children.

I commend Senator LEAHY and Senator BIDEN for their work on VAWA and their commitment to stopping domestic violence in this country. The amendments to VAWA will take the program further and expand the number of people benefitting from VAWA grants. I am pleased that the amount available for use by Indian tribal governments under the STOP grants was increased from 4 percent to 5 percent. In addition, 5 percent of the $40 million Rural Domestic Violence and Child Abuse Enforcement grants will be set aside for use by Indian tribal governments in the new bill.

I am also pleased to see that institutions of higher education will be provided with resources to address violence on college campuses. Schools will now be able to utilize $30 million in VAWA grants to install lighting and other deterrent measures to enhance the security of their campuses.

I also support the addition of transitional housing assistance to the VAWA. Many individuals who stay in abusive relationships often do so because they are financially dependent on their abuser. Transitional housing assistance will provide these victims and their families with temporary housing while they regain their financial independence.

The battered immigrant women provision is also important to many New Mexico residents. No longer will battered immigrant women and children be faced with deportation for reporting an abuser on whom they may be dependent on for an immigration benefit.

No person residing in the United States should be immune from prosecution for committing a violent crime because of a loophole in an immigration law.

Mr. President, VAWA is worthy legislation that is good for New Mexico and women and families across the country. VAWA should be reauthorized and passed in the form proposed today.

Mr. JEFFORDS. Mr. President, I rise today to enthusiastically support this conference report which contains the important reauthorization of the Violence Against Women Act (VAWA).

Over five years ago, Congress recognized the need for the Federal Government to take action and help combat domestic violence by passing VAWA. I was proud to be a cosponsor of that important legislation and have been pleased with the positive impact it has had in Vermont and around the United States.

The Vermont Network Against Domestic Violence and Sexual Assault has been a leader in creating innovative and effective programs toward our goal of eliminating domestic violence. Vermont has used funding under VAWA to provide shelter to battered women and their children and ''wraparound'' services for these victimized families. Through VAWA, Vermont has also been able to help victims access legal assistance in the form of trained attorneys and advocacy services. In addition to fully utilizing funding available to train and educate law enforcement and court personnel, I am proud to say that Vermont is a national leader in the education and training of health care, welfare and family service workers who are likely to come in contact with victims of domestic violence.

While we have made advances in combating domestic violence in Vermont and all around the United States by programs funded through VAWA, there is still more work to be done. Every nine seconds across the country an individual falls victim to domestic violence. Recently, this statistic was brought home when churches and town halls in Vermont rang their bells in recognition and to raise awareness of this tragic violence that impacts so many lives. We must continue and strengthen our focus on this important issue.

I was proud to be an original cosponsor of this reauthorization when it was introduced this June, and feel that this legislation made many important improvements and additions to the programs and funding of VAWA while ensuring the maintenance of its core focus of combating domestic violence. Some important provisions of this legislation to Vermont include:

Reauthorization of current domestic violence programs through the Department of Health and Human Services and increasing funding for these programs so they can provide more shelter space to accommodate more people in need;

Extension of the discretionary grant program which mandates and encourages police officers to arrest abusers;

Creation of a five percent set aside towards State domestic violence coalitions;

Extension of state programs that deal with domestic violence in rural areas; and

Establishment of a new grant program to educate and train providers to better meet the needs of disabled victims of domestic violence.

In addition, I want to thank Senator HATCH and Senator BIDEN for including a reauthorization of the Family Violence Prevention and Services Act in the Violence Against Women Act. As the primary source of funding for local shelters, the Family Violence Prevention and Services Act is a vital cornerstone in the Federal response to domestic violence. This reauthorization ensures that this program can continue to grow with an increased authorization level. The Family Violence Prevention and Services Act is normally part of the Child Abuse Prevention and Treatment Act reauthorization process which is scheduled to be completed next year. As Chairman of the Committee on Health, Education, Labor and Pensions, I will be working with domestic violence organizations to see what, if any, changes need to be made in the Family Violence Prevention and Treatment Act to increase its capacity to serve the victims of family violence.

I am pleased with the fine work of Senators BIDEN and HATCH in crafting the original VAWA, and that these two Senators were able to further formulate a bipartisan, compromise version of this reauthorization which I was happy to cosponsor.

Since July, I have both written and talked to the Majority Leader calling for Senate consideration of this important legislation. While it was somewhat delayed, I am grateful that the Senate will be endorsing the reauthorization of VAWA today. While the reauthorization of VAWA is an important step, I remain committed to continuing to enact legislation to eliminate domestic violence in Vermont and all around the United States.

Mr. LEVIN. Mr. President, today the Senate is taking up and voting on the Trafficking Victims Protection Act Conference Report, which includes the reauthorization of the Violence Against Women Act. I commend the sponsors of the Trafficking Victims Protection Act. It is estimated that approximately 50,000 women and children are trafficked in the United States every year, many of whom are sexually exploited and forced into involuntary servitude. This bill will provide a comprehensive approach to prevent trafficking as well as ensure vigorous prosecution of those involved in this deplorable practice.

I am also pleased that this bill includes the Violence Against Women Act, VAWA, which has provided an unparalleled level of support for programs to end domestic and sexual violence. VAWA grants have made it possible for communities across the nation to provide shelter and counseling for hundreds of thousands of women and their children. Since 1995, more than $1.5 billion has been appropriated under VAWA's grant programs. Michigan has been awarded about $50 million in Federal grants under VAWA. Those grants provided invaluable resources to survivors of domestic and sexual violence in Michigan. For example, Rural grants have permitted 12 rural counties in Michigan to hire full time advocates for providing services to victims through outreach programs. VAWA Civil Legal Assistance Grants have allowed more than 5 Michigan communities to develop Civil Legal Assistance Programs, which provide quality legal assistance to hundreds of women and children. In addition, 35 Sexual Assault Services Programs and more than 20 Sexual Assault Prevention Programs have been created or strengthened in our state as a direct result of VAWA.

Furthermore, VAWA has been tremendously successful in the training of judges, court personnel, prosecutors, police and victims' advocates. Mary Keefe, Executive Director of the Michigan Coalition Against Domestic and Sexual Violence, explained in a letter to me that ''with the heightened training of police, prosecutors, and other in the criminal justice field, many of these systems are now routinely referring the victims they encounter to domestic violence and rape crisis programs.''

VAWA programs have been especially important to women in rural communities, where support networks had been limited due to distance. Here is just one case of such a victim—forwarded to me from the Michigan Coalition Against Domestic and Sexual Violence—whose life was possibly saved by a VAWA grant.

''Jamie'' (not her real name) was referred to the Domestic Violence Program by the Prosecutor. Jamie had shared with the prosecutor that she was ''afraid for life,'' and that she was afraid to participate in prosecution because of repercussions she may have to bear from her assailant. She soon fell out of contact with the prosecutor and the case against her assailant was on shaky ground.

The county prosecutor referred Jamie to the VAWA funded advocate. She came to the program in January, reluctant and fearful, but open to talking to the advocate. The advocate was able to provide two full days of intensive interaction with this survivor. Counseling her, preparing a safety plan for her and her children, telling her how the legal system works and preparing her for what she could expect each step of the way.

The advocate was actually able to pick Jamie up, drive her to court each time, sit by her, reassure her throughout the process, listen to her when she was angry and fearful, explain what was going on, and nurture her through the process of being a witness to this case.

The perpetrator was eventually convicted on several counts, and is serving time in the County jail.

Jamie has begun picking up the pieces of her life and is hopefully on the road to safety.

Despite the successes of VAWA, almost 900,0000 women continue to be victims of domestic violence each year, making it the number one health risk for women between the ages of 15 and 44. This Violence Against Women Act Reauthorization will build on the successes of VAWA by more than doubling the amount available for programs to support women and children subject to domestic abuse.

Although I support the underlying Trafficking Victims Protection Act, I am concerned about a provision in this bill referred to as Aimee's Law. When the Senator from Pennsylvania introduced this provision as an amendment to he juvenile justice bill, I was one of the few who voted against it. I understand the positive motive of those who support this provision and I agree that we should act to limit the number of tragedies that occur when persons convicted of serious offenses are paroled and then subsequently commit the same offense, but I do not support this unworkable procedure.

I remain concerned that this bill will federalize state criminal court systems. Currently, the crimes covered in this bill are defined differently in different states, which is appropriate since the 50 state court systems handle 95 percent of all criminal cases in this country. It is inappropriate to apply federal definitions and federal sentencing guidelines to criminal cases tried in state courts. I also remain concerned about how the penalties will be imposed since the average terms of imprisonment imposed by states are different than actual lengths of imprisonment and the cost of incarceration can not be known unless one can predict life expectancy.

On balance, I will vote for this Conference Report because I strongly support the Trafficking Victims Protection Act and Violence Against Women Act.

Ms. SNOWE. Mr. President, I rise today in support of the Violence Against Women Act of 2000, which is included in the conference report for the Trafficking Victims Protection Act (H.R. 3244). Current authorization for these programs expired at the end of September, and I believe that we must take immediate action to ensure that these programs are reauthorized before we go home. This bill has broad support on both sides of the aisle, with 73 cosponsors.

Domestic violence, no matter who commits it, is an extremely serious and tragically common crime that devastates families and takes a great toll on our society. Moreover, domestic violence often goes unreported, in large part because the incident is seen as a private and personal issue or because of the fear of a repeated attack by the assailant.

In my view, Congress must continue to address domestic violence in a comprehensive manner by providing resources for states and communities to disseminate education about domestic violence; provide counseling to the victim, the aggressor, and any children in the family; and ensure shelter to every person and child who needs to leave their home due to domestic violence. It is also important that health professionals are trained to identify and treat the medical conditions arising from domestic violence. This is a crime that we must put an end to and we must let those people who are suffering know there is help on the way.

Violence knows no gender barriers, but we must not turn a blind eye to the fact that women are especially likely to be vulnerable to danger and crime. The Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an absolutely essential bill for our mothers, our daughters, our sisters, relatives, friends, and co-workers.

One of the most important issues facing women today is the threat of violence. Three to four million American women are battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. A woman in the United States is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. And women are six times more likely than men to be the victims of a violent crime.

This is more than just a nightmare for women. It is an America that millions of women and girls must wake up to each day. It is a grim reality millions of women and girls must enter each day of their lives just to go to work or attend school. It is real life America for millions of women and girls. And it is an unspeakable tragedy.

How many of us were shocked in June to read that women were attacked in New York City's Central Park in broad daylight following a parade? For days afterward we read headlines entitled ''Defenseless in the Park'' . . . ''Six More Arrested in Sex Attacks in Park'' . . . ''Police Study Central Park Mob's 35-Minute Binge of Sexual Assault.'' The litany of tragedy and violence against the women assaulted that day in Central Park paints a full, stark and disheartening picture of a nation unable to protect a woman's safety.

One of the victims, Emma Sussman Starr, wrote the New York Times about her attack and about the prevalence of violence against women in America. She said: ''Women learn early which streets are safe to walk on, when it's safe to be there and even how to walk (hands wrapped around keys, eyes straight ahead). We accept that we must pay for our safety in the form of cabs and doorman buildings in more expensive neighborhoods.'' What a sad statement.

The threat of violence is pervasive, and as Ms. Starr writes, it influences every decision a woman makes. Every time a woman changes her pattern of behavior—for example, when she walks home from work a different way—in order to avoid potential violence such as rape, stalking, domestic assault, she is ultimately making a decision about how to live her life.

The original Violence Against Women Act, enacted in 1994, was a landmark piece of legislation. For the first time, Congress took a comprehensive look at the problem of violence against women, created the programs, and funded the shelters to help women out of these violent situations. Since then, thousands of women across the country have been given the opportunity to free themselves from violence.

But the problem of violence against women has not been solved in these six years since the original bill was signed into law. We must continue to talk about ways in which we can guarantee women's safety, further secure women's rights, and strengthen our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

After all, how can we defend a woman's right to ''life, liberty, and the pursuit of happiness'' when we cannot as a nation protect women from ''Rape, battery, and the onslaught of violence?''

The Violence Against Women Act of 2000 reauthorizes these fundamental programs. The bill provides funding for grants to prevent campus crimes against women; extends programs to prevent violence in rural areas; builds on the progress we have made in constructing shelters for women who are victims of violent crimes; and strengthens protections for older women from violence.

I believe that no matter whatever else Congress does for women—from enacting public policies and designing specific programs aimed to promote women's health, education, economic security, or safety, we must also ensure that women have equal protection under our country's law and in our constitution. Reauthorizing the Violence Against Women Act programs is an important step in this direction.

It isn't often that Congress can claim to enact a law that literally may mean life or death for a person. The Violence Against Women Act is such a law, and I urge my colleagues to join me in supporting this bill.

Mr. BIDEN. Mr. President, we will not have the opportunity to vote today

on the merits of Aimee's Law, but instead, on a jurisdictional issue regarding whether the bill was properly included in the Sex Trafficking Conference Report. Because I believe the jurisdictional objection is unfounded and I am unwilling to jeopardize the passage of the other significant pieces of legislation included in the Conference Report—most importantly, the Biden-Hatch Violence Against Women Act of 2000—I will vote against Senator THOMPSON's point of order.

I supported a similar version of Aimee's Law in the form of an amendment to the Juvenile Justice bill last year. Upon reflection, however, I believe that my support was misplaced. I am troubled by this legislation from both a practical and a constitutional perspective.

Aimee's Law requires the Attorney General, in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, when that individual has a prior conviction for any one or more of those offenses in another State, to transfer federal law enforcement assistance funds that have been allocated to the first State in an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, to the second State. The bill contains a ''safe harbor'' exempting from this substantial penalty those States in which No. 1 the individual offender at issue has served 85 percent or more of his term of imprisonment, and No. 2 the average term of imprisonment imposed by the State for the prior offense at issue is at or above the average term of imprisonment imposed for that offense in all States.

As a practical matter, this bill can only promote a ''race to the top,'' as States feel compelled to ratchet up their sentences—not necessarily because they view such a shift as desirable public policy—but in order to avoid losing crucial federal law enforcement funds. Ironically, those States that are apt to benefit most from federal law enforcement assistance may well be those with the poorest record of keeping dangerous offenders behind bars, the same States likely to lose these valuable crime-fighting funds. Nor can States readily assess where they stand relative to other States since they are always striving to hit a moving target and maintain sentences at or above an elusive average of all state sentences for various qualifying offenses.

The law also will spawn an administrative nightmare for the Attorney General, who is charged under the legislation with the responsibility of constantly tabulating and retabulating the average sentences across the nation for a host of different serious offenses, as well as with the responsibility of keeping track of which State's federal funds should be reallocated to which other States every time a released offender commits another qualifying crime. The law even requires the Attorney General to consult with the governors of those States with federal funds at risk to establish a payment schedule. It's no wonder that the nation's governors so strongly oppose this law.

As a constitutional matter, I have grave concerns about Aimee's Law's seeming disregard of basic principles of federalism. Congress's spending authority is undeniably broad. But I have serious reservations about the wisdom and constitutionality of a law that, instead of clearly conditioning a federal grant upon a State's performance of a specific and clearly stated task, penalizes a State for conduct that occurs after the fact and that is not entirely within the State's control—the offender's commission of another serious crime in another State. In this sense, Aimee's Law is far more onerous and far less respectful of fundamental principles of federal-state comity than a straightforward law conditioning federal spending upon the States' adoption of more stringent sentencing laws—the likely result of this legislation. In a climate in which the U.S. Supreme Court is quick to strike down Acts of Congress that, in the Court's view, infringe upon the States' prerogatives, Aimee's Law, I fear, presents an all too inviting target and needlessly risks creating bad precedent regarding the scope of Congress's spending authority.

It is my hope that Congress and the President will monitor the operation of this law and revisit it if necessary.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to thank the Senator from Tennessee for having the courage to speak out against this ill-advised legislation known as Aimee's law. I say he has courage because there is a lot of emotion involved in any debate concerning serious violent crime such as murder, rape, or other sexual offenses. Some have said it is dangerous to vote against, much less speak against, any crime bill that is named after a real person. That is certainly the case here in this incredibly tragic case that underlies this legislation.

I also know that anything goes in a conference, including adding provisions for political reasons that do not withstand even the most basic scrutiny of whether they will work or can even be understood by the people or the entities that are supposed to abide by them.

I am sorry to say that Aimee's law is bad law—perhaps well intentioned—but bad law. I will support the Thompson point of order in order to state my objection to this provision.

The young woman who inspired this bill was tragically raped and murdered in Pennsylvania. A shocking crime was committed against her, against her family, and, indeed against all of us. All of us in this body feel horrible about that crime and its consequences.

But that does not absolve us of the duty to analyze legislation that comes before us, even if it bears the name of a child who was tragically killed. This legislation violates important principles of federalism. It will handcuff our states in their fights against violent crime. And most important, it just won't work. It won't accomplish what its sponsor and supporters say they want to accomplish. So I support Senator THOMPSON's point of order and hope my colleagues will as well.

Before turning to the bill itself, let me again compliment the Senator from Tennessee. He has shown time and time again that his commitment to federalism is principled and real. He does not oppose federal intrusion into state affairs as a political tactic, as I fear so many of my colleagues do. He truly believes that our states deserve autonomy and is willing to stand up for them, even when it is politically unpopular, as it no doubt is here.

I want the Senator from Tennessee to know that I respect his principles as well as support them. We miss his judgment and restraint, I must say, in the Judiciary Committee on which he served until the beginning of this Congress.

Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. Since when is it the province of the federal government to determine the sentences for state crimes? That is what we are doing here.

Mr. President, in addition to furthering the federalization of the criminal law, this provision is very poorly thought out. As the National Governors Association, the National Conference of State Legislatures, the Council of State Governments and the Department of Justice have told us, it won't work. Even if states wish to comply with this law they won't be able to do.

Here's why: Under this bill, if a person who has been convicted of a murder, rape or dangerous sexual offense is released from prison and commits a serious crime in another state, the original state becomes liable to the second state for all the costs of investigation, prosecution, and incarceration of the second crime. To avoid that liability, which the Attorney General must enforce through reallocation of the second states' federal law enforcement assistance funds, the second state must comply with two conditions.

First, it must make sure that persons convicted of these serious offenses

serve at least 85 percent of their sentences. So far, so good. States can comply with that federal sentencing requirement if they want to avoid risking their federal money. But the federal coercion doesn't stop there. The state must make sure that the average sentence for the original crime is greater than the average sentence for such crimes in all the states. This is a remarkable condition, Mr. President, that actually makes it impossible for all 50 states to be in compliance at any one time.

Now Mr. President, think about this. Suppose a state determines that its average sentence for rape is 20 years, but the average for all states for that crime is 25 years. So the state raises its sentence to 26 years. That act will itself change the average sentence for all the states, possibly putting other states under the average and encouraging them to raise their sentences. The average sentence for all the states will therefore almost never be constant or predictable. Every time a state changes its sentencing guidelines to try to get above the average, the average will change and other states will be forced to revise their own sentences. We will have rolling averages and no certainty in sentencing or in the availability of federal money for important state law enforcement purposes.

And that does not even take into account that the average sentence for an individual state will even sometimes change as different criminals are convicted and sentenced to slightly different terms. So the averages that states are supposed to keep track of in order to keep their law enforcement assistance funds will literally change day by day. This bill is an administrative nightmare for our states, even if they want to comply.

I ask unanimous consent that a letter from the Secretary of the Wisconsin Department of Corrections in opposition to this bill be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. FEINGOLD. After setting out a number of the difficulties of complying with this bill, Secretary Jon Litscher concludes the following:

> Given the complexity of administering this bill and pitting one state against another, I don't believe this legislation will enhance the criminal justice system.

I believe that Mr. Litscher's view is shared by criminal justice professionals all over the country, along with Governors and other elected officials, all of whom are working just as hard to reduce violent crime as the sponsors of this bill.

I cannot leave this topic of how this provision creates a ''race to the top'' in sentencing without commenting on how it will effect the death penalty. Currently, 38 states have the death penalty for some crimes. That is more than half the states. Now I am not sure how you calculate an average sentence when some jurisdictions use the death penalty. But there would certainly be a strong argument that the states that do not use the death penalty will risk losing federal law enforcement assistance funds if a convicted murderer is let out on parole and commits another serious crime. Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole.

Now maybe that is what some people want. But I believe that whether to impose the ultimate penalty of death should be up to the states and their citizens. Federal coercion has no place in this question of conscience. A number of states, including my own, have long and proud histories of opposition to the death penalty. We should not use federal funds to force them to change their positions.

If this bill had gone through the Judiciary Committee, some of the difficulties in interpreting and applying it might have been worked out. Here all the negotiating has gone on behind closed doors. This is what happens when the normal legislative process is circumvented as it has been so often this year. It's now the norm for the majority to look for conference reports as vehicles for bills that they want to enact without going through the legislative process.

We used to have a rule, as my colleagues know, that prevented items from being added to a conference report that were beyond the scope of the conference. Last year, the minority leader offered an amendment to restore the rule, but it was voted down on a near party line vote.

So now, anything goes in a conference, including adding provisions for purely political reasons that don't withstand even the most basic scrutiny of whether they will work, or can even be understood by the people or entities that are supposed to abide by them. I am sorry to say that Aimee's law is bad law. Perhaps well-intentioned, but bad law. I will support the Thompson point of order in order to state my objection to this provision.

I yield the floor.

EXHIBIT 1

STATE OF WISCONSIN,
DEPARTMENT OF CORRECTIONS,
Madison, WI, October 10, 2000.

Hon. RUSSELL D. FEINGOLD,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINGOLD: It has come to my attention that the provisions of H.R. 894 (Aimee's Law) have been attached to other legislation that may be considered by the United States Senate on Wednesday, October 11th. I am very concerned about the negative fiscal/policy ramifications on the Department of Corrections and the State of Wisconsin.

Aimee's law provides that in any case in which a person is convicted of a dangerous sexual offense, murder or rape, and that person has been previously convicted of that offense in another state, the state of the prior conviction will incur fiscal liabilities. It will have deducted from its federal criminal justice funds the cost of apprehension, prosecution and incarceration of the offender. These funds will then be transferred to the state where the subsequent offense occurred.

This legislation has a very confusing array of provisions. For example:

1. Retroactivity—While this bill has an effective date of January 1, 2002, it doesn't appear to have an applicability section that is normally drafted into bills introduced in the Wisconsin legislature. Many states have passed truth-in-sentencing laws that make them eligible for federal grant money. However, a state cannot change the sentencing structure for persons sentenced under a prior law. Wisconsin's truth-in-sentencing law (TIS) applies to persons who commit a felon on or after December 31, 1999 and inmates must serve 100% of the term of imprisonment imposed by the court.

2. Section (3)(a), ''the average term of imprisonment imposed by State . . .'' does not specify the term nor time period in which the averaging figure applies—does it apply at the time of sentencing for a similar crime across all states? Is the average for a specific time frame? Does the sentencing average only apply to cases sentenced to prison, or does it include persons sentenced to a jail term and probation? We don't know what the nationwide average is now and this figure will constantly be changing.

3. Determination of Comparable State Statutes—There is no uniform criminal code for all states. It will be very difficult to determine comparable state statutes to ''Dangerous Sexual Offense,'' ''Murder,'' and ''Rape.'' This will be subject to significant variation across the nation.

This bill pits each state against the others. The costs associated with administration of the law, and the resulting ''loss'' of funds may be greater than the grant funds to which the state would otherwise be entitled. States may opt to not administer the law (not ''charge'' another state) so that another state will not charge them. Enforcement of this law will be dependent upon each state agreeing to fully implement its provisions.

If the intent of the bill is to insure that each state has implemented TIS, retroactive application is unnecessary. You only need to apply the bill to states that haven't passed TIS and exempt those that have enacted laws that require at least 85% of a term of imprisonment to be served.

Given the complexity of administering this bill and the pitting of one state against another, I don't believe this legislation will enhance the criminal justice system.

Thank you for taking the time to consider my comments.

Sincerely,

JON E. LITSCHER,
Secretary.

The PRESIDING OFFICER. The hour of 4:30 p.m. having arrived, under the previous order the Senate will now proceed to a vote in relation to the appeal of the Senator from Tennessee. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—90

Abraham	Edwards	McCain
Akaka	Enzi	McConnell
Allard	Fitzgerald	Mikulski
Ashcroft	Frist	Miller
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Hollings	Rockefeller
Bunning	Hutchinson	Roth
Burns	Hutchison	Santorum
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Schumer
Chafee, Lincoln	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kohl	Smith (OR)
Conrad	Kyl	Snowe
Craig	Landrieu	Specter
Crapo	Lautenberg	Stevens
Daschle	Leahy	Thomas
DeWine	Levin	Thurmond
Dodd	Lincoln	Torricelli
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durbin	Mack	Wyden

NAYS—5

Bond	Hagel	Voinovich
Feingold	Thompson	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 5. The decision of the Chair stands as the judgment of the Senate.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—95

Abraham	Enzi	McConnell
Akaka	Feingold	Mikulski
Allard	Fitzgerald	Miller
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Robb
Boxer	Hagel	Roberts
Breaux	Harkin	Rockefeller
Brownback	Hatch	Roth
Bryan	Hollings	Santorum
Bunning	Hutchinson	Sarbanes
Burns	Hutchison	Schumer
Byrd	Inouye	Sessions
Campbell	Jeffords	Shelby
Chafee, L.	Johnson	Smith (NH)
Cleland	Kennedy	Smith (OR)
Cochran	Kerrey	Snowe
Collins	Kohl	Specter
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lautenberg	Thompson
Daschle	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durbin	Mack	Wyden
Edwards	McCain	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 2001—VETO

The PRESIDING OFFICER. The Senate having received a veto message on H.R. 4733, under the previous order, the message is considered as having been read, the message will be printed in the RECORD and spread in full upon the Journal, and referred to the Committee on Appropriations.

The veto message ordered to be printed in the RECORD is as follows:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the ''Energy and Water Development Appropriations Act, 2001.'' The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta Initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic

sources of energy through solar and renewable technologies that are vital to American's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of $10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expends health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000*.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

Mr. LOTT. Mr. President, we do have some additional consent requests we have been working on. I have a couple here and Senator MCCAIN has agreed to allow us to do these. Then he has a couple of unanimous consents he wants to ask. The first has to do with the Defense Department authorization bill for the next fiscal year.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the DOD authorization conference report following the reconsideration vote on H.R. 4516 on Thursday, and the conference report be considered as having been read and debated under the following time agreement: 2 hours under the control of the chairman of the Armed Services Committee, 1 hour under the control of Senator GRAMM, 2½ hours under the control of Senator LEVIN, 30 minutes under the control of Senator WELLSTONE; That following the debate just outlined, Senator KERREY be recognized to make a point of order and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form.

I further ask consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

Mr. REID. Reserving the right to object, I say to the majority leader we have no problem going to the bill. We have a problem with the time right now. There is one Senator over here trying to work something out with both majority and minority staff. We feel confident that can be done. But I think it would be to everyone's best interest if we stop the unanimous consent agreement after the word ''read'' on the first paragraph.

Mr. LOTT. Mr. President, I am sure there is a good faith effort being made here. So I will revise my unanimous consent request.

But let me emphasize to all the Members that this is a very important bill. Some people think: We have passed the Defense appropriations bill, the military construction appropriations bill; what do we need an authorization bill for? This is the bill that makes the law that authorizes things for our military men and women, including an increase in pay, including the very important, laboriously worked out provisions with regard to health benefits for our active duty men and women and their families and our retirees. It also has the Department of Energy language in which the Presiding Officer has had so much interest. This is really a big bill and an important bill. So I hope we can get agreement. I believe we will.

Also, I emphasize that by spending 6 hours on this bill, you know that is time we could be spending on the Agriculture appropriations conference report or other conference reports that may be ready by tomorrow afternoon. So I hope we can get this locked up soon.

But, in view of the legitimate request that was made by the Senator, I modify my unanimous consent request and end it after the words ''considered as having been read'' in the first paragraph.

Mr. REID. Mr. President, reserving the right to object, I say to the majority leader, I think the work done by Senator WARNER and Senator LEVIN on this bill has been exemplary. They worked well together. This is a very important bill. We on this side, the minority, understand the importance of this legislation. As we speak, we are working with one of our Members to get this worked out.

Maybe before the evening is over we can get back and put in the time agreement. We just are not able to do that right now. But we want to make sure we underscore what the leader has said. This is an important bill. I really hope we can complete it before the end of the session.

Mr. WARNER. Mr. President, I, first, thank the distinguished leader and distinguished Democratic whip, all of us who made this possible. We are within 1 millimeter of resolving this problem. It has just been addressed to me. This is the first time I heard it. I know the Senator very well and we are going to see what we can do to work this thing out. So I think the Senate can assume that what the leadership has presented here, this unanimous consent request, can be accepted in the course of the day.

Mr. LOTT. OK.

Mr. WARNER. This will be the 39th consecutive authorization bill for the Armed Forces of the United States by the Senate. And it is an absolute must piece of legislation, as our distinguished leader and the distinguished Democratic whip said.

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

UNANIMOUS CONSENT REQUEST—H.R. 4461

Mr. LOTT. Mr. President, I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations conference report, and it be considered under the following agreement, with the time equally divided in the usual form.

I ask consent that debate continue beginning at 9:30 a.m. on Tuesday and proceed through the day.

I ask consent the vote occur on adoption of the Agriculture conference report at 9:30 a.m. on Wednesday and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have no objection if we would move to this by a vote. We would agree to a voice vote. We do not believe we can do this by consent.

Mr. LOTT. Mr. President, if I could ask the Senator to yield and make sure I understand what he is saying, did you say we could do this by voice vote?

Mr. REID. We would be willing for you to move to proceed and we would voice vote that.

Mr. MCCAIN. I object.

Mr. LOTT. Mr. President, again, we will keep working to try to get agreements accepted. I do not quite understand why the Agriculture appropriations bill cannot be debated tonight, now, and voted on tomorrow. And I do not understand why we cannot get an agreement to have debate on it on Friday and Tuesday, and a vote on Wednesday. I know there are Senators who want to talk on it. That is their right in the Senate. But if we are ever going to get this process completed, we need to get the Agriculture appropriations conference report done.

I am still holding out some hope that maybe the Commerce-State-Justice conference report and even the Labor-HHS conference report could be agreed to and could be dealt with tomorrow in

such a way we could have a vote on them on Thursday or Friday. But we do not have that yet.

Is there objection?

Mr. REID. Mr. Leader, if I could just say before you withdraw the consent request, we would be willing, tonight, to have you move to proceed to this measure.

As I said, we would be agreeable to move to proceed to this bill by a voice vote and start the debate tonight. We are not in any way trying to delay the consideration of this very important bill.

Mr. LOTT. I think the Senator knows there is a great difference between moving to proceed and asking unanimous consent. For now, obviously, we cannot get the unanimous consent agreement, so we will not be able to proceed.

In light of the discussions we have just had, and since we cannot get an agreement on taking up Agriculture now, the next votes will occur at 12:30 p.m. tomorrow regarding HUD-VA and related issues, and additional votes will occur late tomorrow afternoon regarding the DOD authorization conference report if we can get this time agreement worked out, and I assume we will be able to. With that, I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in just a few minutes I will propound a unanimous consent request concerning the Transportation Recall Enhancement, Accountability, and Documentation Act. First, I ask unanimous consent that a letter I just received from the Secretary of Transportation be printed in the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 11, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's (NHTSA) ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

The early warning section in H.R. 5164 enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A ''Safe Harbor'' provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

The focus now turns to the Senate, where you have been working diligently on passage of similar legislation, S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. Both of the bills contain several key provisions proposed by the Clinton-Gore Administration. We are committed to ensuring that NHTSA has the authority to seek and receive information on potential defects; receives sufficient funding to carry out its expanded responsibilities; and has the authority to impose stiffer penalties to ensure compliance with U.S. motor vehicle safety laws.

Also, Senate confirmation of the President's nominee for Administrator of NHTSA would help implementation of this legislation immeasurably.

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Sincerely,

RODNEY E. SLATER.

Mr. MCCAIN. Mr. President, I will quote parts of the letter from Secretary Slater:

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

I will not read the whole letter, except the last paragraph:

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Save lives and prevent injuries.

I ask unanimous consent to print in the RECORD a letter that was sent from Ms. Claybrook, president of Public Citizen, and others to the House of Representatives on October 9.

That letter says:

DEAR REPRESENTATIVE: We are writing to urge the passage of H.R. 5164, despite its serious deficiencies.

It ends up in the last part of the letter:

We urge you to vote to send this bill forward, to encourage the House managers to work with the Senate managers to improve the legislation, and to make sure the authority of NHTSA to protect the public safety is not degraded.

Even though there may be objections from Ms. Claybrook and some of her colleagues, the fact is she wrote to the House urging a vote for this legislation at this time. I think it should be an important part of the RECORD.

Finally, I do not view this as a panacea. The Presiding Officer has significant concerns. We had entered into a colloquy concerning his concerns. Those concerns are legitimate. I assure the Senator from Ohio that the Senator from South Carolina and I will continue to work on this issue next year. I will tell the Senator from Ohio why: Because there is going to be more people dying before this issue is resolved. Just this last weekend in Louisiana, a young boy, who was in a rollover accident from a tire that shredded, went into a coma.

I am pleased and gratified that the Senator from South Carolina, who has some differing views, as I do, on this bill, wants to see it perfected, as does the Senator from Ohio. But I also agree with the Secretary of Transportation who says that this is an enormously important step forward to take.

I take this opportunity to thank Senator HOLLINGS for his efforts and the way we worked in a bipartisan fashion to report a bill by a vote of 20–0 out of the Commerce Committee.

I will propound two unanimous consent requests, if the first one is objected to. If the first one is objected to, then I will try another unanimous consent request.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. MCCAIN. I will be glad to yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman of the committee has led the way on this tire safety measure on the Senate side. I

just had an opportunity to look at the House provision. There is no question that there are two or three things in there that should be cleared up. One, it has certain reporting requirements, but then the National Highway Traffic Safety Administration is supposed to keep them top secret. I want that explained to me. We do not operate like the CIA. There is no reason to keep it from public knowledge. In fact, that is exactly why we have this entity—to collect reported defects that come to the attention of the consumers in America.

Secondly, there is another provision with respect to criminal penalties. I have tire manufacturers in my State, and I wanted to be absolutely clear that we did not unduly threaten fine, good businessmen who are working to produce a safe product. Or make it so that they would be faced with some kind of criminal charge by way of a mistake that did not come to their knowledge. That was not the intent of the Senator from Arizona and the Senator from South Carolina as we worked through this.

Obviously, that was taken out of the Senate bill. Otherwise we would never have had a unanimous vote in reporting this bill 20–0. But there is a provision in that House bill whereby if there has been a willful and malicious reporting to this agency—such as we saw in the tobacco case where they all raised their hands and you knew they were lying at the time—then there should be a criminal penalty. That ought to be cleared up in the House bill.

We are only asking that the Senate bill be considered so we can amend the House bill and work this measure out under the leadership of Senator MCCAIN.

The other provision with respect to the reporting of claims—after all that is the only way we found out about these recent deaths that now approximate 100 killed on the highways. As they brought these claims down to a conclusion, the judge put them under what we call a gag order where they were not allowed to consider or consult or even talk about the final settlement. It was more or less kept top secret from the press and media, and nobody knew it was going on.

Of course, NHTSA has been practically dormant. They have not operated the tire safety requirements since the year 1973, and this reflects on us in the committee. They have not had or ordered a single recall on tires in the last 5 years.

There have been 99 million overall safety vehicle recalls, but they have all been voluntary on account of the threats of lawsuits. We know that. It was only because of the word getting out about these lawsuits that we finally have gotten to pay attention to this, bringing out a bill, unanimously reported under the leadership of the distinguished chairman of the Commerce Committee, which is totally bipartisan.

I join in the Senator's request, which I am confident he will make, that we be able to bring the Senate bill up, amend the House bill, work this out in the next few days—it could be worked out by tomorrow—and have a good measure that would save lives in America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from South Carolina. I understand his concerns.

Let me quote from a letter from the Secretary of Transportation:

> The early warning section of H.R. 5164, enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A ''Safe Harbor'' provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

I point out again, this is not a perfect bill. I want exactly what came out of the Senate. The House passed, unanimously, by a voice vote, H.R. 5164.

The Secretary of Transportation says: ''We strongly support enactment.'' He finishes up by saying—and I hope my colleagues understand this—

> In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries.

This is not a perfect piece of legislation but an awesome responsibility, at least in the view of the Secretary of Transportation. An opportunity to save lives and prevent injuries is occurring here. I do not think we can let that pass by.

If there is objection, I will, again, ask that the Senator who objects appear on the floor to object. We are not talking about a policy decision here; we are talking about the fact that over 100 lives have been taken on America's highways over a defect that, in the view of every expert, we are making significant progress in addressing.

So, Mr. President, I will begin with my first unanimous consent request, and I will follow it with a second unanimous consent request if it is objected to.

Mr. President, I ask unanimous consent that when the Senate receives H.R. 5164 from the House, it be held at the desk. I ask further that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of the bill, and that only relevant amendments be in order to the bill, and that the bill then, as amended, if amended, be advanced to third reading and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Arizona, I do not have a copy of the request, but it is my understanding, from hearing what the Senator read, it is a bill to come before the Senate with relevant amendments.

Mr. MCCAIN. Yes, that is correct.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, would the Senator read that unanimous consent request again, please?

Mr. MCCAIN. I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

Mr. REID. Reserving the right to object, I say to my friend from Arizona, this has been signed off on by the ranking member of the committee and signed off on by the leadership over here. But we still have two Senators who want to offer relevant amendments. We will work on that and see what we can do. But at this stage, because of that, I am going to have to object unless the agreement allows for relevant amendments. We would agree to time limits. We would agree to a very short time limit on the relevant amendments, but we do have two Senators who wish to offer relevant amendments.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as I said on Friday, this is not an ordinary piece of legislation. It is a piece of legislation that, in the view of the Secretary of Transportation, has to do with saving lives and preventing injuries. Over 100 Americans have died on the highways of America already.

After the completion of Senator ROBERTS' remarks, I will insist that the two Senators come down and object in person. This is too serious a business, I tell the Senator from Nevada, for them to assume a cloak of anonymity. If they want amendments, then I will be more than happy to hear their objections and see what their amendments are. But this is not acceptable. It is not acceptable, when lives are at stake, for Senators—at least the Senator from Oklahoma objects and comes down and takes the responsibility for the objection. It is not acceptable for Members on the other side of the aisle to hide behind the Senator from Nevada in their objections.

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

Mr. McCAIN. I am glad to yield to the Senator from Oklahoma for a question.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I am asking the Senator from Arizona a question.

The unanimous consent request that you are now making is to take up and pass the bill that passed last night, without objection. It passed by a voice vote late last night, unanimously, through the House of Representatives, and is the bill that the Secretary of Transportation, Mr. Slater, urged that the Senate and the Congress pass?

Mr. McCAIN. I might add, it has to do with saving lives and preventing injuries.

Mr. NICKLES. I compliment my friend from Arizona because, one, you are showing flexibility. I compliment you because you have stated what your preference is. You have your preference in the bill that passed out of the Commerce Committee, of which you are the Chair and Senator HOLLINGS is the ranking member. But you are also saying, if I cannot get that, realizing that we are on overtime right now and we are running out of days, you are willing to say, let's take the House-passed bill. The House-passed bill passed unanimously. That does not happen all that often around here for legislation that is this significant.

The Senator from Arizona is saying he is willing to take it and pass it. It is the same bill that the administration says they want. And it will become law if we can get this consent agreed to.

So I compliment my colleague from Arizona. I hope our colleagues would possibly even reconsider and let us pass this bill tonight or tomorrow.

Mr. REID. Mr. President, under my reservation, I remind the Senator from Arizona and the Senator from Oklahoma that on Friday of last week we agreed on this side to have the Senate bill brought before the Senate at that time, pursuant to the unanimous consent request of the Senator from Arizona, to have relevant amendments. We have no objection to that coming before the Senate and working on it that way.

This matter which has just passed the House, we just got it a matter of minutes ago—not hours ago; minutes ago—and we have two Senators who want to look at this legislation. They have some idea that they want to offer relevant amendments. We know that, come the light of day, they may not want to offer those relevant amendments, but now they do.

So I say to my friend from Arizona that he can come back after Senator ROBERTS speaks, but the same objection will be there unless we hear in the interim that the Senators, for some unknown reason, withdraw their objections.

On that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

Mr. McCAIN. Let me just say that I will be here on the floor. If the two Senators who object from the other side of the aisle would like to come down, I would be glad to discuss their concerns. I would be glad to commit to holding hearings, along with Senator HOLLINGS, next year to try to perfect this bill.

I know my friend from South Carolina has serious concerns about the safe harbor aspect of this bill. I intend to work with him to tighten it up. I much would have preferred the bill pass through the Senate, let me tell you.

We inaugurated a little phrase called ''straight talk'' back when I was seeking another office. I will tell you, in straight talk, what this is all about. This is the trial lawyers against the automotive interests. Trial lawyers do not want it because they do not like the provisions. They want to be able to sue anybody for anything under any circumstances. And the automotive industry wants this thing killed, figuring that the publicity surrounding these accidents and these tragedies that are taking place will die out and they will be able to kill off this legislation next year.

Straight talk, Mr. President, that is really what it is all about. It is another compelling argument for campaign finance reform because neither the trial lawyers who want to make this bill untenable for the manufacturers, nor the manufacturers who want to water down this bill so dramatically that it will have no effect, should be the ones who are driving this problem.

This legislation is all about saving lives and preventing injuries. So what we are seeing here is that special interests are winning again. I think it is wrong. I don't know how you go back to the American people and say we didn't enact legislation—we could not get together after a unanimous vote in the House—to resolve some concerns over an issue that ''would save lives and prevent injuries.''

Mr. REID. If the Senator will yield, I say to my friend, he and I came to Washington at the same time 18 years ago. I know he has more patience than I, but we have to have a little bit of patience. In this instance, I don't think it is going to require a great deal of patience. We are going to be in session tomorrow, and I think there is a very good possibility, as I see it, that the persuasive arguments Senators have made today and last week will prevail and this legislation will pass.

As things now stand, we have people who haven't been able to read the bill. They may have some problems with it. The ranking member, the Senator from South Carolina, and some of our people over here—and, of course, the Senator from South Carolina works well with the Senator from Arizona, and we will see what we can do to get this wrapped up.

Mr. McCAIN. Mr. President, in closing, I appreciate the efforts on the part of the Senator from Nevada. As he said, he and I came to Congress together many years ago, and we are good friends. I want to also, again, pay great praise to Senator HOLLINGS, who has really had to go a long way in compromising in order to see that this legislation is passed. I will be seeking unanimous consent tomorrow morning. I am not exactly sure when, but it will be sometime in the morning when it fits in with the parliamentary procedures. I hope the unanimous consent request can be agreed to. I thank my friend from South Carolina and the Senator from Nevada. I know we will be working assiduously to try to get these objections solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I don't want the Senator to take back his praise, but let me clear the record relative to trial lawyers. Trial lawyers got us where we are. If it hadn't been for trial lawyers bringing the cases and filing some of the reports made on the recoveries thereof, we would not have awakened, literally, and awakened our own Commerce Committee to have the hearings to put us on the floor this evening.

I am intimate with the trial lawyer movement in this country. I can tell you that they have become a whipping boy for Tom Donahue and his blooming Chamber of Commerce, and any time you want to pass some measure like the Y2K bill, the trial lawyers had no objection whatsoever.

I have to correct the record because the chairman said that is the contest that is going on, about the right to sue and everything else. They have the right. The right is there and neither the Senate bill nor the House bill denies that right. We strengthen it with

the reporting and then make the reports public so they can be attained, and they can avoid going to court on cases and avoid trial lawyers. So this particular bill is agreed to by this particular trial lawyer—either the Senate or the House version this evening, right now. I would vote for either one of them. But I think we can get a much better bill with the Senate bill. I wanted to correct the comments made about the trial lawyers because they have been there bringing peace and justice and safety to America's consumers. They got us this far, and I am proud to commend the trial lawyers for doing their work and saving lives.

I yield the floor.

Mr. McCAIN. Mr. President, I have one comment in response to my friend. I knew any comment about trial lawyers would not go unnoticed by him. As always, I am very appreciative of his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to join the Democratic whip in propounding the identical unanimous consent request with regard to the bringing up of the DOD conference report as stated to the Senate by the distinguished majority leader just moments ago.

Mr. REID. Mr. President, we have no objection. The staffs of Senator LEVIN and Senator WARNER have worked out the problem.

Just a minute, Mr. President.

Reserving the right to object, Mr. President, we are not going to be able to do the agreement. There is a procedural problem with the Agriculture authorization, which goes first. We will work on that later.

Mr. WARNER. Mr. President, I handed the Senator a colloquy which Senator LEVIN signed. The Senator raising the objection signed the colloquy.

Mr. REID. Why don't we have the Senator from Kansas speak, and we will see if anything can be done.

Mr. WARNER. I withdraw the request.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO BRUCE VENTO

Mr. GRAMS. Mr. President, today I come to the floor to offer a tribute to a humble man.

Yesterday, while I was in Minnesota, I received word that one of my former colleagues from the House of Representatives, Congressman Bruce Vento, had passed away after a battle with cancer.

My tribute cannot adequately communicate his successful career, because to Bruce, words always paled in comparison to acts.

Bruce was a tireless advocate for the residents of St. Paul, first in the State Legislature and, for the past 24 years, in the U.S. Congress.

He was a man of his word and a man of principle.

He was a man committed to doing the right thing for the right reason, no matter how long it took.

Take for example his work on behalf of Hmong veterans—a large number of whom reside in his Congressional district.

He worked on it for over a decade: educating his colleagues about the need to help their constituents and offering the compromises needed to get the job done.

I was pleased that after his tireless work Congress after Congress, year after year, Bruce's effort paid off.

Earlier this year, Congress passed and the President signed into law his legislation to facilitate citizenship to Hmong veterans who served with us in the Vietnam War.

Bruce was an effective Congressman for the St. Paul area.

We worked together on a number of fronts to support Minnesota and the people of St. Paul such as improving senior and low-income housing in St. Paul, supporting St. Paul's effort in becoming a Brownfields Showcase Community, and pursuing projects to improve the St. Paul Community.

Bruce is best known for his efforts to protect the environment and to improve our national parks and wilderness areas.

All Minnesotans will benefit from his work to ensure the outdoor activities we all enjoy will be there for our children and grandchildren.

That is his legacy, and we are all proud and grateful for his achievements.

Minnesotans were represented well by Bruce Vento, and he will be missed.

To his family and friends, I extend my deepest sympathy.

Mr. LEAHY. Mr. President, we all in the Senate and the House have been saddened by the death of Bruce Vento. Congressman Vento came to the Congress 2 years after I did. We served together and worked together on many issues. He belonged, proudly, to a sort of informal Italian-American caucus. We would talk about from which parts of Italy our families had come, and we became close friends.

I remember talking with Bruce when he was first diagnosed with cancer. I told him he was in my prayers, my wife's prayers, our family's prayers. He was a good man.

I was sad when I heard him announce he would not run for reelection because of his illness. Of course, we have been notified of his death.

There are Senators and House Members who come here who, under the old saying, some are show horses and some are workhorses. He was a workhorse. One of his priorities during his last year in Congress was the plight of the Hmong people, many of whom settled in Minnesota. They are people from Laos who had fought with the United States and its allies in the Vietnam war and came to the United States afterwards. They very much wanted to become citizens here but had great difficulty learning English because they come from a culture that does not have a written language.

Bruce Vento was the primary House sponsor of the Hmong Veterans' Naturalization Act, a bill that passed the House and Senate earlier this year and became law. This bill waives the English language requirement for naturalization, and provides special consideration for the civics requirement for Hmong veterans and their spouses and widows. It has been a small concession on our part in return for the great sacrifices these men made in fighting for the American cause in Southeast Asia. I am pleased that with the help of Senators WELLSTONE, FEINGOLD, HAGEL, MCCAIN, and others the bill became law before the Congressman's untimely death earlier this week.

There is another bill that addresses an outstanding issue in the Hmong Veterans' Naturalization Act. H.R. 5234, cosponsored by Congressman Vento, will extend the benefits of the new law to widows of Hmong veterans who died in Laos, Thailand, or Vietnam. The bill was passed by voice vote in the House on September 25. The Senate companion bill is strongly bipartisan with seven Democrats and five Republicans joining Senator WELLSTONE as sponsors. I urge my friends on the other side of the aisle to lift the hold they have on this bill and allow it to pass so we can complete our work on this important issue. We can do this in Bruce Vento's memory, but we can also rectify an injustice that has been done to the Hmong people who have come to this country.

Mr. FEINGOLD. Mr. President, it is with great sadness that I join my colleague from Minnesota, Senator WELLSTONE, in paying tribute to the life of our colleague, Congressman Bruce Vento. I learned of the Congressman's passing upon my return to Washington. I send my condolences to his wife Sue and his family, along with all of the people from the great state of Minnesota who mourn and who thank him for his many years of service in the House of Representatives. He is deserving of special praise in recognition of his tremendous efforts to use his status as a federal legislator to bring a voice to the voiceless and to defend

such interests as environmental protection, human rights, working families and community building.

Congressman Vento's career was a truly a remarkable one. He and I shared a profound affection for the Boundary Waters Canoe Area Wilderness, a place special to so many Wisconsinites and Minnesotans. Congressman Vento bravely agreed to chair the Ely field hearings on the creation of the Boundary Waters wilderness in 1977, a courageous decision for someone who was a Freshman member of the House at the time, and was a vocal champion of that wilderness throughout his career. As I work on wilderness issues, I am often reminded of Congressman Vento's comments on the House floor during consideration of the Boundary Waters bill. He said, ''there ought to be an opportunity where someone can go and have some solitude, where someone can go and have an experience that is different.''

Congressman Vento used his career to work to protect that ''different'' opportunity for all Americans in the Boundary Waters, the Arctic Refuge, Southern Utah and many other special wilderness areas. These places and the people who cherish them, myself included, owe him a great debt.

I also had the privilege of working closely with Congressman Vento in this session of Congress on the Hmong Veterans' Naturalization Act which is now federal law. Congressman Vento was actively involved in getting that legislation through the House.

I join with the Senate in letting Congressman Vento's family know how grateful we are for having known him, and how committed we are to ensuring that the causes to which he gave his heart and his career remain protected.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$602,307	$593,714
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	930,094	935,488
Adjustments:		
General purpose discretionary	+4,367	+3,384
Highways		
Mass transit		
Mandatory		
Total	+4,367	+3,384
Revised Allocation:		
General purpose discretionary	606,674	597,098
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	934,461	938,872

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,528,412	$1,492,435	$10,765
Adjustments: Emergencies	+4,367	+3,384	−3,384
Revised Allocation: Budget Resolution	1,532,779	1,495,819	7,381

HISPANIC HERITAGE MONTH 2000

Mr. DURBIN. Mr. President, I rise to offer some remarks on a timely and important topic—our national celebration of Hispanic Heritage Month.

Hundreds of years after the decline of the Spanish Empire, a new Hispanic presence is making itself felt on the world stage. Democracy is taking deep root throughout much of Latin America. Mexico just celebrated the selection of a new President in an election that is widely viewed as the freest and fairest election in that country's history. Central America is largely at peace. Free trade has spread south of our border, and will continue to spread further south.

And Hispanic Americans are taking their rightful place in this country as an important part of our thriving economy, as a wonderful contributor to the diversity of American culture, and as a powerful political force that deserves attention.

It is fitting, then—as National Hispanic Heritage Month is upon us—to recognize the Hispanic-American population for its many important contributions to the traditions and history of this nation. Started 32 years ago, this festive month acknowledges the great history of the Hispanic people, celebrate their past achievements, and recognizes that the Hispanic-American community is an essential component in the future of the United States.

Hispanics have immigrated to the United States for many different personal reasons. They have taken the journey to America in hope of a better life for themselves and their families. They have persevered throughout their struggle to maintain their own identity while learning to assimilate into American ways.

Today, the Hispanic population in the United States has expanded and become more diverse. It is now our fastest growing ethnic group, its population increasing almost four times as fast as the rest of the population. The Hispanic population is projected to account for 44 percent of the growth in the nation's population between 1995 and 2025. Hispanics are literally changing the face of this nation.

The label ''Hispanic-American'' encompasses an enormous diversity of individuals. Hispanics are not a single ethnic group but are comprised of people from Puerto Rico, Cuba, Mexico, and the countries of Central and South America. This diversity has brought a tradition of resilience and excellence to the United States, a country that derives its strength from the diversity of its people.

There is an emerging awareness of the contributions and achievements Hispanics have made. Hispanic individuals are prominent in every aspect of American life. In the business world, such names as Adolfo Marzol, executive vice-president of Fannie Mae and George Munoz, CEO of the Overseas Private Investment Corporation, are being recognized. Oscar Hijuelos, the first American-born Hispanic to win the Pulitzer Prize for fiction, is known as one of literature's award-winning authors. Maria Hinojosa, a CNN correspondent, was named one of the most influential Hispanic Americans by Hispanic Business magazine, and has received many awards for her reporting. These are just some of the extraordinary individuals who contribute to Hispanic-American culture in our country.

A few of the names of Hispanic-Americans from my home state of Illinois will resonate in history, like Luis Alvarez, the Nobel Price-winning physicist, who studied at the University of Chicago before going on to become a central figure in the Manhattan project during World War II. Others are heroes on a quieter scale, like Raymond Orozco who, until his retirement a few years back, headed the Chicago Fire Department with distinction, or Sandra Cisneros whose beautiful stories of women's courage in the midst of poverty have won her international acclaim. But most of all we benefit as a state and as a nation from the thousands of ordinary folks whose lives and dreams and everyday actions make this a richer, stronger, more interesting place to live.

The emergence of a sizable Hispanic-American population has been particularly notable in Illinois, to the great benefit of the state. More than a million Illinoisans are of Hispanic heritage. They own 20,000 businesses in the state and generate more than $2 billion in commerce. More than a quarter of a million Hispanic-Americans are registered to vote here, and the state can boast over 1,000 elected officials—from school board members to members of Congress—of Hispanic heritage.

While celebrating Hispanic Heritage Month, we shouldn't blind ourselves to the problems that still beset the Hispanic-American community. The poverty rate among Hispanics is still unacceptably high, and Hispanic youth are graduating from high school at rates significantly lower than the general population. Thankfully, many of these problems have abated in the last decade—unemployment among Hispanics is at historically low levels, for example—but there's still plenty of work to be done.

That's why I support the ''2010 Alliance'' crafted by Hispanic-American leaders and key policymakers, and announced by President Clinton this June. The Alliance sets educational goals for Hispanic-Americans in five key areas, such as increasing the rate of high school completion and increasing English language proficiency for students. The President's budget for 2001 contains more than $800 million for programs to enhance educational opportunities for Hispanic-Americans.

I am also hoping to see passage this session of the Latino and Immigrant Fairness Act. This important piece of legislation will insure that all immigrants from Latin America are treated equally in the eyes of the law. The current system that treats immigrants from one country differently from those from another country is cumbersome, confusing and inherently unfair. This Act will also restore some important rights that have historically been offered to the immigrant population, but that are now denied to them due to the highly restrictive policies adopted in the past few years. The Latino and Immigrant Fairness Act as the support of virtually every Democratic Senator as well as strong support from President Clinton and Vice President GORE. I am working hard to overcome Republican resistance to the bill so that it can become law.

The Hispanic population has become an integral part of the American mosaic. We have become united by the aspiration to make a better life for ourselves and our children. We know that America and what it stands for—freedom, prosperity, and hope—should extend to everyone the opportunity to achieve their dreams.

Through the celebration of Hispanic Heritage Month we can deepen our understanding and appreciation for a culture that has been so influential in creating the America of today and that will help shape the America of tomorrow.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, during the last several weeks I have listened as some of my Democratic colleagues have taken the Senate floor to complain about the Senate's work on judicial nominations. Some have complained that there is a vacancy crisis in the federal courts. Some have complained that the Republican Senate has not confirmed enough of President Clinton's judicial nominees. Some have complained that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body. Some have accused the Republican Senate of being biased against female and minority judicial nominees. These complaints and accusations are wholly false and completely without merit.

First, there is and has been no judicial vacancy crisis. In 1994, when Senate Democrats processed the nominations of President Clinton, there were 63 vacancies and a 7.4 percent vacancy rate. Today, when Republicans control the Senate and process the nominations of President Clinton, there are 63 vacancies and a 7.4 percent vacancy rate—exactly the same as in 1994. Of the current vacancies, the President has failed to make a nomination for 25 of them—strong evidence that, in fact, there is no vacancy crisis. Nevertheless, despite the fact that there are the same number of vacancies and the same vacancy rate now as in 1994, Democrats continue to claim that there is a vacancy crisis.

Second, the Republican Senate has been fair with President Clinton in confirming his nominees. In fact, the Senate has confirmed President Clinton's nominees at almost an identical rate as it confirmed those of Presidents Reagan and Bush. President Reagan appointed 382 Article III judges. By comparison, President Clinton has appointed 377 Article III judges—only five fewer than were appointed by President Reagan. During the Reagan presidency, the Senate confirmed an average of 191 judges per term. During the one-term Bush presidency, the Senate confirmed 193 judges. During the Clinton presidency, the Senate has confirmed an average of 189 judges per term.

Third, the confirmation record of the Republican Senate compares favorably to the Democrats' record when they controlled this body. Comparing like to like, this year should be compared to prior election years during times of divided government. In 1988, the Democrat-controlled Senate confirmed 41 Reagan judicial nominees. The Republican Senate this year has confirmed 39 of President Clinton's nominees—a nearly identical number.

The 1992 election year requires a bit more analysis. The Democrat-controlled Senate did confirm 64 Bush nominees that year, but this high number was due to the fact that Congress had recently created 85 new judgeships. Examining the percentage of nominees confirmed shows that compared to 1992, there is no slowdown this year. In 1992, the Democrat-controlled Senate confirmed 33 of 73 individuals nominated that year—or 45 percent. This year, the Senate has confirmed 25 of 46 individuals nominated in 2000—or 54 percent, almost 10 percent higher than in 1992. Those who cite the 1992 high of 64 confirmations as evidence of an election-year slowdown do not mention these details. Nor do they mention that despite those 64 confirmations, the Democrat-controlled Senate left vacant 97 judgeships when President Bush left office—far more than the current 63 vacancies.

Senate Democrats often cite Chief Justice Rehnquist's 1997 remarks as evidence of a Republican slowdown. Referring to the 82 vacancies then existing, the Chief Justice said: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary.'' Senators who cite this statement, however, do not also cite the Chief Justice's similar statement in 1993, when the Democrats controlled both the White House and the Senate: ''There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem.'' As the head of the Judicial Branch, the Chief Justice has continued to maintain pressure on the President and Senate to speedily confirm judges. He has not singled out the Republican Senate, however.

The Chief Justice made additional comments in 1997, which also undermine the claim of a vacancy crisis. After calling attention to the existing vacancies, he wrote: ''Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.'' The 63 current vacancies, in other words, are not truly vacant. There are 363 senior judges presently serving in the federal judiciary. Although judges' seats are technically counted as vacant, they continue to hear cases at reduced workload. Assuming that they maintain a 25 percent workload—the minimum required by law—the true number of vacancies is less than zero.

Last week, Senator HARKIN said that this year the Senate has confirmed only one circuit court nominee nominated this year, and Senator LEAHY said that this year the Judiciary Committee has reported only three circuit court nominees nominated this year. The fact is, however, the Senate has confirmed eight circuit judges this year. By comparison, the Democrat-controlled Senate confirmed seven of President Reagan's circuit court nominees in 1988 and 11 of President Bush's circuit court nominees in 1992.

It is true that of the eight circuit court nominees confirmed this year, some were nominated during the first session and some were nominated during the second session of this Congress—just as the seven Reagan circuit court nominees confirmed in 1988 and

the 11 Bush circuit court nominees confirmed in 1992 were nominated in both the first and second sessions of those Congresses.

The fact that the Senate has confirmed eight circuit court nominees in this election year shows that we have been at least as fair to President Clinton with regard to appeals court nominees, as Democrats were to Presidents Reagan and Bush. The Senate has confirmed one more circuit court nominee in this last year of President Clinton's Presidency than Democrats confirmed in the last year of President Reagan's presidency, and only three circuit judges fewer than Democrats confirmed in the last year of President Bush's presidency—when judicial vacancies were at an all time high.

Fourth, allegations of race or sex bias in the confirmation process are absolutely false and are offensive. Over the last several months, I have listened with dismay as some have, with escalating invective, implied that Senate Republicans are biased against minority or female judicial nominees.

Just this month, President Clinton issued a statement alleging bias by the Senate. He said: ''The quality of justice suffers when highly qualified women and minority candidates are denied an opportunity to serve in the judiciary.'' The White House, though, also issued a statement boasting of the high number of women and minorities that Clinton has appointed to the federal courts: ''The President's record of appointing women and minority judges is unmatched by any President in history. Almost half of President Clinton's judicial appointees have been women or minorities.''

The Senate, obviously, confirmed this record number of women and minorities. That is hardly evidence of systemic bias. Indeed, it cannot credibly be argued that President Clinton has appointed a diverse federal bench and that Republicans simultaneously have prevented him from appointing a diverse federal bench.

Last November, Senator JOSEPH BIDEN, former Chairman of the Judiciary Committee, stated:

> There has been argumentation occasionally made . . . that [the Judiciary] Committee . . . has been reluctant to move on certain people based upon gender or ethnicity or race. . . . [T]here is absolutely no distinction made [on these grounds] . . . [W]hether or not [a nominee moves] has not a single thing to do with gender or race. . . . I realize I will get political heat for saying that, but it happens to be true.

Why then have Democrats insisted on repeating the insidious mantra that the Republican Senate is discriminating against women and minorities in the confirmation process? Why did John Podesta, the President's Chief of Staff appear on CNN yesterday to complain that ''women and minority candidates for U.S. Court of Appeals are sitting, stuck in the Senate Judiciary Committee''? Why did Senator ROBB take the Senate floor to accuse Senate Republicans, in inflammatory language, of ''standing in the courthouse door'' and refusing to ''desegregate the Fourth Circuit''? Why did Senator LEAHY take the Senate floor and list all the female nominees currently pending?

Why? Because Democrats have made the crass political decision to attempt to energize women and minority voters by claiming that Senate Republicans are biased against women and minorities nominated for federal judgeships. This coordinated overture to female and minority voters by the White House, the Gore campaign and Senate Democrats is unseemly.

The President's determination to play politics with judicial nominations appears as if it will only intensify. Just last Friday, the President nominated African-American Andre Davis to a seat on the U.S. Court of Appeals for the Fourth Circuit, and it is my understanding that he will nominate a woman, Elizabeth Gibson, to that Court today.

The President has persisted in making these nominations, even though I have made clear to him that the Judiciary Committee will not hold any additional nominations hearing this year. The President nominated Mr. Davis and Ms. Gibson, knowing full well that they have no chance of being confirmed. Mr. Davis and Ms. Gibson are being used for political purposes, so the President and Democrats can argue that Senate Republicans are biased against women and minorities.

Senate Republicans, however, are not biased against women and minority nominees. Data comparing the median time required for Senate action on male vs. female and minority vs. non-minority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decrease to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. Senator BIDEN is right when he says that ''whether or not [a nominee moves] has not a single thing to do with gender or race.'' And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

There is no evidence, however, of bias or of a confirmation slowdown. There is no evidence of bias because, in fact, the Senate is not biased against female and minority nominees—indeed, the Senate has confirmed a record number of such nominees for judicial office. Furthermore, there is no evidence of a confirmation slowdown because, in fact, the confirmation process has been conducted in the normal fashion and at the normal speed.

In conclusion, it always is the case that some nominations ''die'' at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress. Madam President, I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

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

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smietanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrence W. Boyle of North Carolina	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit.
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Sholts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS—Continued

Nominee	Court
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manual H. Quintana	Southern District of New York.
Chales A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E.Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Dorr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr.	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire included the nominations of minorities and women, such as Lillian BeVier, Frederico Moreno and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. It happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end of this year than expired at the end of the Bush Presidency.

HAWAII'S PREPAREDNESS FOR A WEAPON OF MASS DESTRUCTION TERRORIST INCIDENT

Mr. AKAKA. Mr. President, I rise to commend the joint efforts of the federal Department of Health and Human Services, HHS, the Honolulu Emergency Services Department, and Hawaii's Department of Health, and National Guard for establishing one of the Nation's premier weapons of mass destruction, WMD, containment, mitigation and response capabilities. As the ranking member of the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services, I follow Federal terrorism defense programs closely, especially those that affect Hawaii.

Terrorism, particularly the threat of domestic terrorism, remains at the forefront of concern for all of us. Although it has been 7 years since the terrorist bombing of the World Trade Center and 5 years since the destruction of the Oklahoma City Federal Building, these unspeakable atrocities left an indelible mark in the hearts of all Americans. In the intervening years, the threat of terrorism has become more pronounced. The National Commission on Terrorism recently concluded that ''. . . international terrorism poses an increasingly dangerous and difficult threat to America—today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to attack crowded millennium celebrations.'' Fortunately, we have made signifcant strides in enhancing our defense against and reducing our vulnerabilities to terrorism.

The Defense Against Weapons of Mass Destruction Act of 1996, Public Law 104–201, Nunn-Lugar-Domenici amendment, authorized a coordinated Federal response to train, equip, and otherwise enhance the capability of Federal, State, and local emergency ''first responders,'' e.g., primarily police, fire, and emergency medical officers, for terrorist incidents involving mass casualties, or nuclear, biological, and chemical weapons. Most of our current antiterrorism programs are outgrowths of this landmark legislation.

More than 40 Federal departments, agencies, and bureaus have some role in combating terrorism. The Justice Department, through the FBI, is the lead Federal agency for domestic terrorism and provides on-site emergency law enforcement response to all incidents. However, State and local governments and emergency responders bear the primary responsibility for responding to terrorist incidents, augmented by Federal resources. Therefore, Federal, State, and local coordination and cooperation is critical to ensuring that our population centers are properly safeguarded. I am particularly pleased with terrorism preparedness efforts in Hawaii, which have been hailed by HHS as ''exemplary'' and ''national models.''

Two little known, but essential components of the national antiterrorism program and support to local communities are Civil Support Teams, CSTs, and Metropolitan Medical Response Systems, MMRS.

Hawaii's Civil Support Team is one of 27 Army and Air National Guard CSTs that will be deployed in 26 States by the spring of 2001. Each team consists of 22 members who undergo 15 months of specialized training. Each team is equipped with a mobile analytical lab and a communications facility. Teams would be deployed to assist first responders in the event of a WMD incident. The teams, under the command of a State's governor, provide support to civilian agencies to assess the nature of an attack, provide medical and technical advice, and help coordinate subsequent State and Federal responses. Hawaii's Weapons of Mass Destruction Civil Support Team, the 93rd WMD–CST, is a composite Army/Air National Guard Unit, and component of the Hawaii Army National Guard, Headquarters, State Area Command. The team is currently undergoing training at Fort Leonard Wood, MO, and is expected to be fully trained and deployed by May 2001.

In 1997, Honolulu was selected as one of the first 25 cities in the Nation to contract with HHS to develop a Metropolitan Medical Response System and procure essential prophylactic pharmaceuticals and specialized equipment. MMRS are multi-disciplinary medical teams consisting of physicians, nurses, paramedics, emergency medical technicians, and law enforcement officers, who provide initial on-site response and care, provide for safe patient transportation to hospital emergency rooms, provide definitive medical and mental health care to victims of various types of attack, and can prepare patients for onward movement to other regions, should this be required In August 2000, the HHS expanded Hawaii's MMRS program by directing and funding an assessment of the unique needs of geographically isolated jurisdictions and an evaluation of long-term sustainment of the MMRS. Both studies will serve as national models. This is a further testament of the quality of Hawaii's MMRS program and highly complimentary of the personnel involved in its development.

Fortunately, terrorism involving the use of weapons of mass destruction is likely to remain rare. Nevertheless, as in the case of other low probability/high consequence risks, it remains a very serious and highly complex national concern. The precautionary safeguards we have taken thus far are essential and prudent, but offer no guarantees. We need to remain vigilant and ensure that our antiterrorism and counter terrorism programs continue to be properly funded, adequately maintained, and adjusted to meet the ever evolving threat. The American public demands no less.

PIPELINE SAFETY

Mr. MCCAIN. Mr. President, I deeply regret that the House of Representatives failed yesterday to favorably approve S. 2438, the Pipeline Safety Improvement Act of 2000. That measure was taken up under suspension of the rules in the House, and therefore, needed two-thirds of the members present and voting to support its passage. The final vote was 232 to 158.

As my colleagues know, the Senate has worked long and hard to produce comprehensive pipeline safety legislation. As a result of our bipartisan efforts, we unanimously approved S. 2438 nearly four weeks ago. That measure includes the best provisions from four separate proposals pending in the Senate, including legislation introduced by Senators MURRAY and GORTON, the measure introduced by Senator HOLLINGS on behalf of the Administration, the bill introduced by Senator BINGAMAN, and the bill I introduced along with Senators MURRAY and GORTON. While the final bill may not be the preference of every member, it is a fair and balanced compromise piece of legislation and, to quote Secretary Slater, ''is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources.''

There is one and only one reason the Senate bill fell 28 votes short, preventing it from being on its way to the President at this moment: Partisan Politics.

I can understand the hesitation on the part of some to approve a measure that doesn't include every single provision they envision as necessary to address pipeline safety improvements. But the Senate-passed bill is a good bill and would go a long way in promoting safety improvements. Senator MURRAY said it best on the floor of the Senate just two weeks ago: ''Don't let the perfect be the enemy of the good.'' But instead of heeding that advise, the House has neither approved its own version of a pipeline safety bill nor has it approved the Senate's unanimously-passed bill. And now time is simply running out.

I do not relish voicing criticism toward the House opponents of S. 2438. But because of their actions, we will most likely fail to make any advancement in pipeline safety this year. And if we are ultimately prevented from enacting pipeline safety legislation in these remaining few days of the session, these and the other members working with them will be even less pleased by the criticisms I will be directing their way if even one more life is lost because of our inaction. Be assured, I will be back on this floor reminding everyone of our missed opportunity to address identified pipeline safety shortcomings due to the actions of these few members. They will be held accountable.

Mr. INSLEE from the State of Washington testified before the Senate Commerce Committee in May on the need to pass comprehensive legislation, noting that the ''opportunity to pass comprehensive, meaningful legislation may not come again until there is another tragedy''. Sadly, since the time Mr. INSLEE made those comments, two other accidents have occurred—claiming a total of 13 more lives. How many more lives are going to be lost before Congress finally passes pipeline safety legislation?

It is my understanding Mr. INSLEE has urged the Administration, members of his House delegation, and leadership on the House side, not to support the Senate bill. It is also my understanding that he has ignored advice from his own Senate colleague, Senator MURRAY, on this matter. In doing so, he is dooming the months of effort that a member of his own party, a Senator from his own home state, has put into crafting a bill that will undoubtably improve pipeline safety. His actions may have killed the only chance that pipeline safety legislation will pass this year. And in doing so, he is ensuring that even more lives may be lost—and that the unacceptable status quo will remain.

I support passage of the strongest safety bill possible, and I know the House members I have mentioned are fully aware of this fact. The strongest bill possible at this time is the bill we approved in the Senate three weeks ago. Mr. INSLEE's and others' claims that their efforts are driven by a desire for a stronger bill sound well and good. But the reality is those efforts only preclude any advancement in pipeline safety from occurring. The actions of these members not only ignore the substantial steps we've made to reach a fair, balanced pro-safety bill, but also could jeopardize the likelihood we'll make any progress on pipeline safety for many years to come.

I urge those members obstructing action on pipeline safety legislation to think carefully about the consequences of their obstructionist actions. Each day that passes without enactment of comprehensive pipeline safety legislation places public safety at risk.

SITUATION IN THE IVORY COAST

Mr. FEINGOLD. Mr. President, I rise to comment on the alarming situation in the Ivory Coast.

When General Robert Guei seized power in a coup last December, he indicated that he intended to hand over power to a civilian government quickly. Instead, and despite the urging of distinguished African heads of state from South Africa, Nigeria, and Senegal, Guei has chosen to run for President from his position of illegitimate authority, in which he can manipulate his own chances of electoral success.

Last Friday, the Ivory Coast's Supreme Court issued a ruling barring all but five of twenty candidates seeking to run in Presidential elections slated for later this month. The ruling disqualified popular opposition leaders, most notably Former Prime Minister Alassane Ouattara, and the former ruling party's candidate, Emile Constant Bombey. Notably, Guei's former legal advisor is now serving as the court's chief. The upcoming elections are looking more and more like political farce, and General Guei's credibility is in tatters.

Leading up to the Court's ruling, the General Guei's government took actions clearly intended to intimidate the opposition, instituting a state of emergency, banning opposition politicians from international travel, and executing sweeps to round up immigrants who have consistently supported elements of the opposition. The junta that claimed it stepped into power to save the country now appears committed to a course of destruction. One of Africa's most stable and important economies is threatened by the instability exacerbated by the junta's political machinations, and General Guei's attempts to rally popular support have been characterized by misguided, xenophobic rhetoric aimed at threatening foreigners in a country that depends upon an immigrant workforce.

The people of the Ivory Coast deserve far better than this. At its core, democratic government is about trusting citizens to choose their own destiny, not about manipulating and restricting the choices available to them. The West African region, currently engaged in a struggle between the forces of democracy and those of thuggery, certainly does not need another thinly disguised dictatorship in its ranks. The only interests served by the junta's behavior are their own.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN, CO-CHAIR OF THE NORTHEAST-MIDWEST SENATE COALITION

Mr. JEFFORDS. Mr. President, I rise today to commend the excellent service of Senator DANIEL PATRICK MOYNIHAN as co-chair of the bipartisan Northeast-Midwest Senate Coalition. Senator MOYNIHAN, as we all know and regret, will be retiring from the United States Senate at the end of this year. Many people have commented on his excellent service to the nation and to New York State. I want to pay tribute to his leadership on regional issues.

Senator MOYNIHAN was elected co-chair of the Northeast-Midwest Senate Coalition in April 1987. A bipartisan group of senators had formed the Coalition in 1978 with the goal of promoting

regional economic and environmental interests. Senator MOYNIHAN replaced Senator Alan Dixon, and served for several years with Senator John Heinz. Upon his election as co-chair, Senator MOYNIHAN said, ''States in the frost belt have of late shared a burden of heavy losses in manufacturing jobs, military installations and contracts. Environmental concerns, from the rising waters of the Great Lakes to acid rain, occupy us all.''

Over the past seven Congresses, Senator MOYNIHAN persistently has advanced investments in our region's infrastructure, job-training and education programs, and basic industries. A stickler for accurate and timely data in order to judge our challenges and progress, he has documented the flow of federal funds from the Northeast and Midwest. Working with both Republicans and Democrats, he also has been a champion of the Great Lakes and the region's other great environmental assets.

Now, Lake Champlain may not be a great Lake to the rest of you, but in our part of the world, it is revered in the same way. And it is the reason behind my earliest work with Senator MOYNIHAN.

In the summer of 1989, when I was a freshman Member of the minority party and Senator MOYNIHAN was Chair of the Environment Subcommittee on Water Resources, he scheduled a field hearing to gather information on the water quality status of Lake Champlain. The hearing was split into two sessions, one on each side of the lake. We heard from Vermonters in Burlington, then enjoyed a boat ride across the lake to hear from upstate New Yorkers in Plattsburgh.

As his first act after commencing the hearing in Burlington, Chairman MOYNIHAN graciously handed the gavel to me so that I might preside over the Vermont portion of the hearing. That marked the first time I ever chaired a Senate hearing, and was made ever more memorable by the fact that DANIEL PATRICK MOYNIHAN had bestowed the honor.

We had an enjoyable, productive day, during the course of which Chairman MOYNIHAN entertained and enlightened the participants with his intimate knowledge of the history of Lake Champlain, one our nation's most historic water bodies. Moreover, he demonstrated a keen knowledge of the science, hydrology and ecology of Lake Champlain. Senator MOYNIHAN was bestowed a hero's welcome by his constituents upon disembarking on the Adirondack coast of Lake Champlain that day. He earned an everlasting respect among all who participated in the hearing.

We returned to Washington to draft the Lake Champlain Special Designation Act, in concert with Senators LEAHY and D'Amato, and promptly moved the bill through the scrutiny of the Water Resources Subcommittee, then the full Environment Committee and on to the Senate floor. Before the year had ended, that bill had become law. And it has proven to be a great success for the benefit of Lake Champlain, as well as a model for cooperation between different states, distinct federal regional jurisdictions and separate nations.

Senator MOYNIHAN, I commend you for your leadership on this important law. And I thank you for the latitude you gave me, in my first year in this United States Senate, to put my mark upon this legislation which continues to have a profound and positive influence on the ecology of Lake Champlain and the quality of life for the hundreds of thousands of people who live, work and recreate.

Aside from this example, there are many others. Senator MOYNIHAN took his assignment as co-chair of the Northeast-Midwest Senate Coalition during a time when our region was being less than affectionately referred to as the ''rust belt.'' Manufacturing plants were closing, unemployment was high, and many workers needed to be retrained for new challenges. Senator MOYNIHAN led the Coalition in trying to identify and promote public policies that would take advantage of the region's common assets—its plentiful natural resources, distinguished university and research centers, significant financial centers, and a history of entrepreneurship.

Although he would be the first to admit that challenges remain, this region's progress over the past decade and a half results, in part, from Senator MOYNIHAN's consistent leadership.

With Senator MOYNIHAN's leadership, the Coalition has advanced numerous policy initiatives. It authored the nation's first pollution prevention law and promoted the National Invasive Species Act to block the proliferation of biological pollution. The Coalition has protected the Low Income Home Energy Assistance Program, and achieved increased appropriations for several energy efficiency programs. It held the first hearings and developed legislation on brownfield redevelopments, as well as on leaking gasoline storage tanks. The Coalition advanced increased trade with Canada, our nation's largest trading partner, and it spearheaded a range of initiatives to enhance the region's and the nation's economic competitiveness.

Mr. President, allow me to highlight a few other of Senator MOYNIHAN's specific efforts to advance economic vitality and environmental quality in the Northeast-Midwest region. In recent days, for instance, Senator MOYNIHAN has helped lead the Coalition's efforts to prepare for this winter's pending fuel crisis. Noting the rise in prices for heating oil and natural gas, he argued effectively for an emergency allocation of Low Income Home Energy Assistance Program funding. And he has been a consistent champion of Weatherization and energy conservation programs that help our region and nation to use energy more efficiently.

In order to block the introduction of invasive species in ballast water, Senator MOYNIHAN helped lead the charge for the National Invasive Species Act. He continues to work to expand that legislation beyond aquatic nuisance species to address the array of foreign plants and animals that cause biological pollution and economic loss throughout this country.

Senator MOYNIHAN and the Northeast-Midwest groups have highlighted the economic and environmental benefits of cleaning and redeveloping the contaminated industrial sites that plague our communities. He has sponsored Capitol Hill conferences on brownfield reuse, and distributed scores of Northeast-Midwest publications, including case studies of successful redevelopment projects. Senator MOYNIHAN also has helped push several bills that would provide financial, regulatory, and technical assistance for brownfield reuse.

To help provide financing and technical assistance to manufacturers, which remain critical to our region's economy, Senator MOYNIHAN and the Northeast-Midwest Coalitions have advanced the Manufacturing Extension Partnership, trade adjustment assistance, and industrial technology programs. He has sponsored an array of Capitol Hill briefings on robotics, optoelectronics, machine tools, electronics, and other industrial sectors.

In an effort to protect the Northeast and Midwest, Senator MOYNIHAN has been willing to face the criticism that comes from highlighting egregious subsidies going to other regions. He has noted, for instance, that taxpayers in the Northeast and Midwest subsidize the electricity bills of consumers in other regions, only to have those regions try to lure away our businesses and jobs with the promise of cheap electricity.

Senator MOYNIHAN has paid particular attention to the flow of federal funds to the states, tracking both federal expenditures as well as taxes paid to Washington. In his own annual reports and those by the Coalition, he documented the long-standing federal disinvestment in New York State and throughout the Northeast and Midwest. The Northeast-Midwest groups, for instance, found that our region's taxpayers received only 88 cents in federal spending for every dollar in taxes that they sent to the federal Treasury. In comparison, states of the South received a $1.17 rate of return, while western states obtained a $1.02 return. In fiscal 1998, the Northeast-Midwest region's subsidy to the rest of the nation totaled some $76 billion. Senator

MOYNIHAN has led the effort to reverse this trend.

It has been a pleasure to work in a bipartisan coalition with Senator DANIEL PATRICK MOYNIHAN. He has demonstrated that good public policy results from cooperation among Democrats and Republicans. His intellectual rigor and his demand for quality data have elevated policy discussions within both the Northeast-Midwest Coalition and throughout the entire United States Senate.

My colleagues from northeastern and midwestern states join me in thanking Senator MOYNIHAN for his consistent leadership and effective advocacy.

TIME TO STRENGTHEN HARDROCK MINING REGULATIONS

Mr. DURBIN. Mr. President, I have strongly advocated strengthening so-called 3809 regulations, which governs hardrock mining on public lands. However, attempts to update these regulations have been subject to much debate.

I am pleased to see that the Interior conference report included a compromise provision related to the regulations, which should allow the BLM to move forward with their efforts to better protect taxpayers and the environment from the impacts of the hardrock mining industry.

However, I am concerned about recent statements made by my colleagues, Senators REID and GORTON, which I feel distort the intent of the provision and would weaken the 3809 regulations. I would like to take this opportunity to clarify my understanding of the meaning of this provision.

To paraphrase the language of the bill text included in the conference report, the mining provision permits the BLM to prevent undue degradation of public lands with a new and stronger rule governing hardrock mining on public lands. The only requirement is that the rule be ''not inconsistent with'' the recommendations contained in a study completed by the National Research Council, or NRC.

I agree with the Department of the Interior's interpretation that the key phrase ''not inconsistent with'' means that so long as the final mining rule does not contradict the recommendations of the NRC report, the rule can address whatever subject areas the BLM finds necessary to improve environmental oversight of the hardrock mining industry.

For example, one of the recommendations made in the NRC report would clarify the BLM's authority to protect valuable natural resources not protected by other laws. Given that recommendation, it would be ''not inconsistent with'' the report to issue a rule that would allow the disapproval of a mine proposal if it would cause undue degradation of public lands, even if the proposal complied with all other statutes and regulations. The final mining provision included in the report would permit such a rule.

However, during earlier negotiations of the hardrock mining provision, mining proponents attempted to include language that would have effectively undermined the ability of the BLM to strengthen the 3809 regulations. This original language would have bound any final rule published by the BLM to the recommendations of the NRC report. This means that a final rule could only address those recommendations made by the report and nothing else, regardless of what actions the BLM identified as necessary. The original language is as follows:

BILL TEXT

None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled ''Hardrock Mining on Federal Lands'' so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

REPORT LANGUAGE

Section xxx allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled ''Hardrock Mining on Federal Lands.'' This provision reinstates a requirement that was included in Public Law 106–113. In that Act, Congress authorized changes to the hardrock mining regulations that are ''not inconsistent with'' the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's final rulemaking authority. This opinion is contrary to the intentions of the Committee and to the understanding reached among the parties in FY2000. The Committee clearly intended Interior to be guided and bound by the findings and recommendations of the Report. Accordingly, the statutory language is included again in this Report and this action should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug;

Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000;

California: Santa Ana, Federal Building, $27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000;

Maryland: Woodlawn, SSA National Computer Center, $4,285,000;

Michigan: Detroit, McNamara Federal Building, $26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000;

New York: New York City, 40 Foley Square, $5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000;

Utah: Salt Lake City, Bennett Federal Building, $21,199,000;

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide:

Design Program, $21,915,000;

Energy Program, $5,000,000;

Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.

I hope future Presidents will use the waiver provision only as President Clinton will use other provisions of the current bill: to aid victims of terrorism and make its state sponsors pay for their crimes.

Mr. MACK. I thank Senator LAUTENBERG for making a point with which I strongly agree: the waiver authority in this legislation is intended to be used on each case or for each asset, but not to be used as a de-facto veto.

In drafting this language and negotiating with the administration over the past several months, we believe firmly that using blocked assets of terrorist states to satisfy judgments is completely consistent with the intent of the Anti-Terrorism Act of 1996, and more significantly, is consistent with our national security interest. Simply stated, making the terrorists who harm or kill Americans in acts of international terrorism pay for their acts makes for good policy. It should deter future acts of terrorism, as well as provide some small measure of justice to current victims.

Mr. KYL. I thank Senators MACK and LAUTENBERG for their leadership on this issue. I would like to add that from the beginning of my involvement on this issue in 1998, I have sought to help Senator MACK provide a mechanism which would not only help current victims, but also set in place a procedure to ensure future victims will be able to attain justice, provided blocked assets are held in the U.S. I would therefore first like to associate myself with the interpretation of the waiver as expressed by Senators LAUTENBERG and MACK. I do not appreciate seeing laws in effect vetoed through a waiver authority interpreted overly broadly. Indeed, the waiver used in this language should be exercised on a case-by-case basis only.

Second, I would also like to point out the precedent being set and the reaffirmation of authority. The administration assures us via a private letter that the judgment creditors already holding final judgment will be paid their compensatory awards within 60 days of the enactment of this act. The administration will do so using executive authority to vest and pay from blocked assets. In addition, the Congress statutorily reaffirms the President's authority to vest and pay from blocked assets in the future to help future victims of terrorism. Let me state very clearly that there is no way, based upon the procedure now in place, that future victims will be forced to suffer the prolonged battle with their government that these first victims were forced to bear. I am pleased with the justice being delivered today; but I am especially pleased by the process in place to help any future victims. Hopefully, with this process, the deterrent capability of this law will become more powerful.

Mrs. FEINSTEIN. I am pleased have worked with Senators LAUTENBERG, MACK, and KYL in getting this legislation to this point. The national security interest waiver should be used only when there is a specific national

security interest greater than the interest in taking effective action to combat terrorism against American citizens; and it should be exercised on a case-by-case basis. The judiciary Committee never intended to divide victims, helping some and not others. We must ensure that all American victims of terrorism able to successfully hold foreign states responsible to the satisfaction of U.S. courts are treated fairly and aided by this and future administrations to collect their damages.

Mr. HELMS. I congratulate Senators MACK, KYL, LAUTENBERG, and FEINSTEIN, for their fine work on getting this anti-terrorism legislation through the Congress and passed. I would like to point out the conferees agree with the comments mentioned by my colleagues and this has been so stated in the conference report to accompany this bill.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 11, 1999:

Clifton Aaron, 21, Kansas City, MO; Daniel Bennett, 23, Washington, DC; Larry Clark, 51, Atlanta, GA; Mico Curtis, 28, Atlanta, GA; Thomas Spivey, 22, Nashville, TN; Arthur Strickland, 28, Gary, IN; Kristian Sullivan, 25, Detroit, MI; Lloyd Whitfield, 28, Detroit, MI; and Arshon Young, 19, Miami-Dade County, FL.

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.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. L. CHAFEE. Mr. President, when the Senate passed the Water Resources Development Act of 2000 (WRDA) on September 25th, a landmark piece of legislation was attached to the bill. This legislation—S. 2797, Restoring the Everglades, an American Legacy Act—was introduced by Senators SMITH, BAUCUS, VOINOVICH, GRAHAM and MACK earlier this summer to restore the natural ecosystem of the Florida Everglades.

Historically, the Florida Everglades system consisted of a natural flow of 1.7 billion gallons of fresh water draining into the Gulf of Mexico and the Atlantic Ocean on a daily basis. Beginning in 1948, the system has been adversely impacted by a series of Federal flood control projects authorized by Congress to redirect water flows throughout the Everglades. Over a half-century of Army Corps of Engineers' water infrastructure projects, consisting of a series of levees and canals, have severely damaged the Everglades system. This substantial diversion of water resulting from the infrastructure construction, coupled with increased development in the area, threaten the overall environmental health and sustainability of the Everglades National Park. In 1992 and 1996, Congress directed the Army Corps of Engineers to conduct a ''Restudy'' of the existing system and recommend changes to improve the current state of the Everglades. The results of the restudy and recommendations for restoring the system are incorporated into the ''Comprehensive Everglades Restoration Plan''.

S. 2797 implements the Everglades Restoration Plan. The bill was approved by a bi-partisan majority of members of the Senate Committee on Environment and Public Works and is strongly supported by the Administration and the State of Florida. Restoring the Everglades, an American Legacy Act is a $7.8 billion dollar package that includes a broad framework for repairing the system's fragile ecosystem. Additionally, the bill creates a new and significant partnership between the Federal Government and the State of Florida. S. 2797 includes cost share provisions establishing a 50:50 Federal to non-Federal cost share requirement and providing that operation and maintenance costs will also be split in half between the Federal and non-Federal sponsors. Most importantly, the bill balances the benefits to the natural system, while providing for water supply and flood protection needs.

I thank the Committee for moving forward with this important legislation. I would particularly like to thank Chairman BOB SMITH for his leadership on restoring the Everglades and for crafting legislation that will ensure the future preservation of this national treasure.

COUNTY PAYMENTS BILL, H.R. 2389

Mrs. BOXER. Mr. President, on Friday the Senate passed H.R. 2389, the ''Secure Rural Schools and Community Self-Determination Act of 1999.'' I have paid close attention to the bill because it has significant implications for the State of California. H.R. 2389 is important to my State because it provides substantial and desperately-needed revenue to rural counties to be used for schools, roads, and other beneficial purposes. The bill also, however, creates unprecedented opportunities for local stakeholders to play a role in decision-making on Federal lands. It is this latter feature of the bill that has the potential to have a negative impact on the health of our forests.

I am deeply disappointed at the version of the bill that was just passed. For months I worked closely with my Senate colleagues to negotiate a compromise proposal that included safeguards to help ensure that the bill would not lead to increased exploitation of our federal timber resources. This earlier version of the bill (S. 1608), which passed the Senate by unanimous consent, benefitted greatly from changes that clarified the appropriate role of local communities in Federal land management decisions and directed local projects funded under this bill towards environmentally beneficial activities rather than commodity production. Unfortunately, many improvements that I fought for in the Senate-passed bill have either been discarded or weakened in H.R. 2389.

I pledge to monitor closely implementation of this Act to see if it results in local projects that involve unsustainable logging, salvage, and other types of environmentally damaging activities. I hope this does not materialize, but if it does, I will seek to make improvements to the Act.

DEATH OF E.S. JOHNNY WALKER

Mr. BINGAMAN. Mr. President, I rise to advise Members of the Senate that New Mexico lost a very distinguished citizen and a good friend with the death of E.S. Johnny Walker on Sunday at the age of 89. His life of public service began with 4 years in the Army in World War II. Subsequently, it included two terms in our State legislature in the House of Representatives in Santa Fe, followed by service as commissioner of our public lands in New Mexico and commissioner of the bureau of revenue. He was elected to the U.S. House of Representatives in 1964 and served two terms here in Washington representing New Mexico in the House of Representatives.

Johnny is survived by his wife Polly, to whom he was married for 63 years; also by their two children, Mike Walker and Janet Walker Steele; also by grandchildren and great-grandchildren, colleagues, and, of course, many friends. I am proud to say that his friends included my family and, of course, me. We have known the Walkers for decades.

I fondly recall his friendship with my parents and with my uncle, John Bingaman, during the time when I was growing up in Silver City. He was a ''man of the people'' in the very best sense of that phrase. He worked very hard for the interest of the people of

New Mexico, and he will be remembered warmly in our State for his humanity and for his great service.

RURAL TELECOMMUNICATIONS POLICY

Mr. GRAMS. Mr. President, I rise today to express my views toward Federal implementation of the 1996 Telecommunications Act and my support for a strong national rural telecommunications policy.

One of the most important responsibilities of a United States Senator is to exercise appropriate oversight of Federal regulatory agencies to ensure sound policy and the wisest use of taxpayers dollars. Toward this end, I have carefully monitored the Federal Communications Commission's implementation of the 1996 Telecommunications Act in an attempt to ensure that this agency follows the intent of Congress in developing a strong national rural telecommunications policy.

I am proud to have supported the historic 1996 Telecommunications Act which deregulated the telecommunications industry for the first time in 62 years. I believe this Act has begun to reach its promise of a competitive marketplace, lower prices, and greater consumer choice in services for every American. Since its passage, the telecommunications industry has grown dramatically, creating 230,000 more jobs nationwide, generating an additional $57 billion in revenues, and fostering an environment in which billions of dollars has been invested in telecommunications infrastructure. Despite this promising news, I am very concerned that the FCC's implementation of the Act has stifled the expansion of some of these benefits into rural parts of Minnesota.

As a former small businessman, I often hear about the regulatory burdens experienced by my state's entrepreneurs and businesses. As someone who spent 23 years in the broadcasting industry, I also understand their frustration with the far-reaching regulatory authority of the Federal Communications Commission. It has become very clear to me that the administrative and regulatory burdens imposed upon small telecommunications providers reflect the Commission's neglect for the unique needs of rural telecommunications companies and their need for fairer regulatory treatment.

The concerns of rural telecommunications companies are underscored in a letter sent to me by Farmers Mutual Telephone Company General Manager Robert Hoffman, who wrote, ''My concern with the FCC is all the additional filings and requirements they are placing on small telephone companies. A couple of years ago we didn't have any filings with the FCC. Now we have about ten annual filings which are confusing and labor intensive, and thus expensive for companies of our size. The FCC has no sympathy for small rural telecommunications companies.''

As my colleagues know, this de-regulatory law has been the subject of litigation from the moment it was enacted due to what many perceive to be the FCC's over-regulatory approach to its implementation. Far too often, the Commission's rules have gone beyond Congressional intent. In particular, I am disappointed by the Commission's implementation of sections of the Act which are intended to preserve universal service assistance and the deployment of advanced telecommunications services. I am sure that my colleagues would agree that universal service assistance is the cornerstone of an effective rural telecommunications policy.

In implementing the 1996 Act, the Commission has thus far failed to adhere to the important universal service principles established by Congress under this law. The Act specifically required the joint board on universal service and the FCC to base their universal service policies upon the following principles: the ability of quality services to be provided at just, reasonable and affordable rates; that all regions of the country should have access to advanced telecommunications services; that telecommunications services should be comparable to services in urban areas; and that universal service should be supported by specific and predictable funding mechanisms. Congress should clearly do more to hold the Commission's feet to the fire to ensure that there is proper implementation of universal service support.

I have worked hard in Congress to ensure that the decades-long policy of universal service is preserved and advanced and that there are adequate revenues to maintain rural networks. Earlier this Congress, I wrote to FCC Chairman Kennard to express my opposition to any proposal which would transfer authority over the Universal Service Fund to the Department of Treasury. I believe that such an approach would undermine universal service policy and could have an adverse impact upon small telephone carriers and the communities they serve. More importantly, this plan would place the Universal Service Fund at great risk of manipulation by the federal government and the excessive spending habits of Members of Congress. I am pleased that the Administration has finally agreed that is not ''public money'' and has withdrawn this ill-advised plan.

I also believe that the Rural Utilities Service telephone loan program is vital to the development of a strong rural telecommunications infrastructure, and an essential component of our national commitment to universal service. I have repeatedly written the Senate Appropriations Committee to urge funding for the Rural Utilities Service telephone loan program. I firmly believe that RUS telephone loans have helped to improve telephone service in rural and high cost areas. Through RUS financing, telephone borrowers have made significant improvements to telecommunications services throughout rural Minnesota.

My oversight of the FCC has also included efforts to make it easier for rural telecommunications carriers to meet the requirements of the Communications Assistance for Law Enforcement Act, or CALEA. In meeting with small telephone carriers from Minnesota earlier this year, I learned about the difficulty many carriers face in meeting the June 30, 2000 CALEA compliance date. I agree that the FCC should grant a blanket extension of the compliance date so that rural carriers will not face a $10,000 penalty for each day that they were not in compliance with CALEA.

For these reasons, I was pleased to join this past April with twenty-five of my Senate colleagues in a writing the Commission to urge that it extend the June 30, 2000 CALEA compliance date for software upgrades by small carriers by one year. I regret that the Commission has a different interpretation of the needs of rural carriers in meeting this compliance date. I expect that the Commission's new process by which individual carriers could petition for and receive extensions to comply with CALEA has been time consuming and burdensome for small telephone carriers. I would be supportive of legislative action to address problems with CALEA compliance.

During this Congress, I have also worked with the Minnesota Association for Rural Telecommunications and the Minnesota Telephone Association to encourage local phone competition in Minnesota by urging the Commission to address the petition filed by the State of Minnesota in 1997 on whether its ''Connecting Minnesota'' proposal between the state and a private company was consistent with the rights-of-way criteria established through Section 253 of the Act. Not surprisingly, it took the Commission nearly two years to analyze and rule upon the State of Minnesota petition. Rural consumers may witness additional entrants into local television markets following the Federal Communications Commission's decision to deny the petition.

Bringing technology to rural areas has always been a top priority for me. As a member of the Congressional Internet Caucus, I have supported policies to address the growing concern in Minnesota about the ''digital divide'' and access to the Internet. High-speed Internet access is a key to improved economic development in rural communities and important to Minnesota's farmers, schools, small businesses, and hospitals. For these reasons, I strongly

disagree with the Commission's interpretation of section 706 of the Act which requires the agency to encourage the deployment of high-speed Internet access and other advanced communications services to rural Minnesota. In my view, inaction by the FCC in removing barriers to the deployment of advanced telecommunications services can be overcome through the enactment of incremental proposals that complement marketplace solutions.

More specifically, I am proud to be a cosponsor of the ''Universal Service Support Act'' introduced by Senator CONRAD BURNS and endorsed by the National Telephone Cooperative Association. This legislation will lift the regulatory caps imposed upon the Universal Service Fund that limit the amount of support that can be directed to rural telephone companies that serve high-cost areas of our state. These regulatory caps are inconsistent with the de-regulatory framework established by the 1996 Act and an unnecessary barrier to allowing further the further deployment of advanced telecommunications services in rural communities.

I believe that we can also prevent rural communities from becoming technology ''have nots'' through repeal of the federal telephone excise tax. The 3 percent telephone excise tax was first established to fund the Spanish-American War of 1898 but has since become an obstacle to community investment in technology. I am proud to be a cosponsor of legislation to repeal this ''Tax on Talking'' and save taxpayers billions annually.

There is no single solution to closing the digital divide and I also support S. 2572, the ''Facilitating Access to Speedy Transmission for Networks, E-commerce and Telecommunications Act,'' also known as the ''FASTNET Act.'' This legislation will relieve mid-size telephone companies of excessive reporting requirements that are a barrier to additional company investment in Internet services that would serve rural communities. This legislation was passed unanimously by the House of Representatives and I hope that it will be considered by the Senate soon. Congress should also consider proposals that will authorize the Rural Utilities Service to provide low-interest loans to companies that are deploying broadband technology, as well as legislation that will analyze the feasibility of allowing low power television stations to provide data services to rural areas.

As we embark on the 21st Century, it is vital that Minnesota's high-tech businesses serving rural areas are not left behind in our new e-commerce economy. During this session of Congress, I was an early and strong supporter of the enactment of ''E-SIGN,'' electronic signature legislation that will facilitate the growth of electronic commerce into rural Minnesota. This new law grants legal effect to electronic online electronic signatures that will enhance the ability of rural companies to complete business transactions and compete in our emerging digital economy. Rather than spend precious time and resources completing paper transactions, the E-SIGN Act will also allow consumers to pay bills, trade securities, and shop online for a home mortgage and complete the deal by striking a few keys on their computer.

Finally, I am proud to have worked with my colleagues on the Senate Banking Committee to pass the ''Launching Our Communities Access to Local Television Act of 2000.'' The LOCAL TV Act would establish a $1.25 billion loan guarantee program to facilitate access to local television programming in rural Minnesota communities. I am very pleased that the Senate unanimously passed my amendment that will ensure that the National Cooperative Finance Cooperation is considered an eligible lender under the proposed loan guarantee program. The CFC is among several private sector lenders which have substantial experience providing multi-million loans in a cooperative environment and which have a track record of projects of this size in rural areas. I am confident that this legislation will be signed into law later this month.

I am proud to have worked with consumers and Minnesota's rural telecommunications companies on these issues and other initiatives that will help our state and country to develop a strong rural telecommunications policy.

THE YUGOSLAVIAN ELECTIONS

Ms. LANDRIEU. Mr. President, ten years ago this October, a wall came down in Eastern Europe which marked a renaissance for democracy in that region of the world. I believe we all remember the dramatic pictures from Berlin, with crowds in celebration, and Beethoven's ''Ode to Joy'' booming in the background. On the 10th Anniversary of that celebration, I believe we have seen that promise of democracy spread to one of the last tyrannies in Europe. Last Thursday, we bore witness to similarly dramatic images of the Serbian people united in the cause of freedom.

Earlier in the week, I think we all realized something dramatic had happened in Serbia. I joined with my friend and colleague, the junior Senator from Ohio to introduce a resolution commending the People of Yugoslavia for the brave step they took in their elections. It showed the kind of courage that a people must demonstrate if they are truly determined to establish the rule of law and the rule of the people.

We woke up to the wonderful news that the whole world acknowledges the new Yugoslav President, Vojislav Kostunica. As in the Phillipines, Indonesia, Romania and even our nation, the will of an aroused people, determined to secure their freedom, proved irresistible. We will not soon forget the sight of ordinary men and women storming the Yugoslav parliament—the people's house—to restore that symbol of democracy to its rightful owners.

While we congratulate and appreciate these dramatic developments in Serbia, it is important to reflect a little on our own democracy. This Presidential election marks the 54th time in our nation's history that executive power will change hands peacefully, and according to the will of the people. In many respects, the amazing success of our industry, our science and even our military might all rests on this simple fact. Without a foundation of freedom, Americans could never have achieved the boundless success we have known. We owe a great debt to men and women who founded our nation for their foresight and their sacrifice.

The Balkans are a land of tragic history. It provided the spark for the First World War, and has been in turmoil ever since. I am reminded that on the eve of the start of World War I, the British Foreign Minister looked out his window upon a worker putting out the street lights, and remarked:

> The lamps are going out all over Europe; we shall not see them lit again in our lifetime.

For the first time in a very long time, the lamps of European freedom are lit across the entire continent. It is a vindication of the sacrifice of two generations of Americans who risked their lives in war. It is a vindication of this nation's principles, and most of all, it is a vindication of the aspirations of the Yugoslavian people. I hope that this body, when we return next year, will act quickly and generously to welcome Serbia back to the community of nations. I also hope that we will take all necessary steps to secure a lasting peace in the Balkans. I believe it is important that we place a particular focus on the children of this region. Like so many other conflicts, the wounds of the Balkans will take time to heal. Our best hope for that healing comes from the children. I look forward to working with my colleagues so that our best hopes might be realized.

AMERICAN CANCER SOCIETY'S POSITION ON THE PAIN RELIEF PROMOTION ACT

Mr. WYDEN. Mr. President, on October 4, 2000, I did not correctly state the American Cancer Society's position on S. 1272, when I stated that they ''. . . strongly opposed . . . the Pain Relief Promotion Act.'' Their actual position, taken directly from their recent statement on the legislation, is as follows:

. . . The American Cancer Society appreciates the commitment shown by the sponsors of the legislation to address these issues, but unfortunately is unable to support this legislation as written . . . Careful analysis of the House-passed measure and a substitute version of the Senate bill . . . have serious potential to exacerbate the current problem of under treatment of pain. While there are provisions to proactively address pain and symptom management, the Society maintains that any benefit from such provisions would not outweigh the potential threat posed by the changes to CSA. Furthermore, neither section of the bill comprehensively addresses the needs of providers, patients, and families for ongoing support and education to counter the current problem of under-treatment of pain—a problem that often leads to requests for physician-assisted suicide . . . Under the Act, all physicians and particularly physicians who care for those with terminal illnesses will be made especially vulnerable to having their pain and symptom management treatment decisions questioned by law enforcement officials not qualified to judge medical decision-making. This can result in unnecessary investigation, and further disincentives to aggressively treat pain.

Unfortunately, 'intent' cannot be easily determined, particularly in the area of medicine where effective dosage levels for patients may deviate significantly from the norm. The question of deciding intent should remain in the hands of those properly trained to make such decisions—the medical community and state medical boards. The Pain Relief Promotion Act seeks to hold harmless any physician who treats a patient's pain even if death occurs, and the measure attempts to create a 'safe harbor' provision in an effort to shield physicians whose use of federally-controlled drugs unintentionally hasten or cause death. However, this provision does not change the fact that the DEA would now explicitly be charged with overseeing the medical use of controlled substances, resulting in a negative impact on cancer pain treatment. . .

The American Cancer Society statement concluded with the following observation:

The American Cancer Society has engaged in a deliberative process to evaluate the impact of the Pain Relief Promotion Act on our Quality of Life goals for all people living with cancer. Its analysis included a review of existing Society policies on pain and symptom management and opposition to physician assisted suicide. We have concluded that as written, the Pain Relief Promotion Act would ban the use of federally controlled substances for physician-assisted suicide at the expense of controlling pain and advancing symptom management. These issues are both critically important, but are separate issues. While the Society strongly opposes all patient deaths stemming from assisted suicides, we must give heavier weight to the more than 1500 individuals who die of cancer every day in this country—more than half of whom die in pain unnecessarily. Moreover, the American Cancer Society believes that the best approach to help cancer patients and reduce and prevent assisted suicide is through the adoption of proactive policies and the provision of resources to prevent and ameliorate pain and suffering in people with cancer, especially for those at the end-of-life.

I appreciate this opportunity to clarify the position of the American Cancer Society on S. 1272.

THE WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000.

Mr. CRAIG. Mr. President, I rise today in support of the Environment and Public Works Committee's substitute to H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000.

Chairman YOUNG and others did a tremendous amount of investigative and legislative work to get us to this point, and I want to thank them for all of their efforts. Their original bill passed the House with tremendous bipartisan approval, garnering just two ''no'' votes.

Senator CRAPO and I took the House bill and strengthened it by providing a sensible level for grants for projects that affect more than one state and strengthening the provision to ensure states use a reasonable portion of the Pittman-Robertson money to provide hunter education programs. It was introduced as S. 2609 and garnered 14 cosponsors.

Senators SMITH, CRAPO, BAUCUS, and BOXER worked hard on Senate legislation that everyone can agree on. I appreciate their dedication to that work, and we have produced an excellent product that will bring accountability to a program that represents one-third of the U.S. Fish and Wildlife Service's budget, ensure the hunting and fishing community that the money they pay in excise taxes is being used for its intended purpose, and that the Pittman-Robertson and Dingell-Johnson programs will continue to be this nation's premier wildlife and fisheries conservation programs.

I encourage all of my colleagues to support this substitute, and I encourage the President of the United States to sign this important piece of legislation.

ADDITIONAL STATEMENTS

KANSAN OLYMPIANS

• Mr. BROWNBACK. Mr. President, I rise today to recognize the athletes from Kansas who participated in the 2000 Olympic Games in Sydney, Australia. Each of these athletes contributed in his or her own way to the success of the American Team. It is my pleasure to recognize the following athletes from Kansas for their efforts in the Olympic Games: Maurice Greene, Nathan Leeper, Passion Richardson, Christie Ambrosi, Sarah Noriega, Tara Nott, and Melvin Douglas.

Each of these athletes deserves to be commended on their perseverance and dedication to their respective sports. The devotion of these athletes has been rewarded with the opportunity to represent the United States as Olympic Athletes. Not only have these athletes represented America, but they have also made the citizens of their home State of Kansas proud.

The spirit of these athletes is encouraging and is to be applauded. America's team could not have finished on top without the help of these special Kansans. Every four years the world comes together in this ultimate show of athleticism. These Kansan athletes will be forever a part of this honorable tradition. It gives me great pleasure to recognize the accomplishments of these athletes.

Maurice Greene maintained his role as the fastest man on Earth by winning the Men's 100 meter race. He also helped the 4x100 relay team run their way to another gold medal for the American Team.

Nathan Leeper rose to high aspirations in the high jump competition. After leaving the sport for a short time, Nathan made the ultimate comeback as a member of this Olympic Team.

Passion Richardson helped the women's 4x100m Relay team run their way out of the rounds into the finals. this competition was Passion's Olympic debut and her participation in this event is the epitome of teamwork and dedication.

Christie Ambrosi helped the women's softball team grab the gold medal for America. Her hard work as an outfielder and strong hitting skills brought the team home with gold medals along with their gloves.

As a member of the Women's volleyball team, Sarah Noriega rose beyond the expectations. Sarah helped launch the team into the medal round, proving that the team has a great future ahead.

Tara Nott made Olympic history as the first woman to go home with gold from a Women's Olympic Weightlifting competition. Christie had no problem carrying her gold medal home to Kansas.

Melvin Douglas is no stranger to the Olympic games, as the Sydney competition as his second Olympic appearance. His perseverance in the sport has proven that great athletes can come at any age.

Again, Mr. President, I congratulate these Kansas Athletes on their outstanding accomplishments. All of these athletes have made Kansas and United States of America very proud.•

RECOGNITION OF CLIFFORD PIERCE MIDDLE SCHOOL IN MERRILLVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

• Mr. BAYH. Mr. President, I rise proudly today to congratulate Clifford Pierce Middle School in Merrillville, Indiana for its selection by the U.S. Secretary of Education as one of the nation's outstanding Blue Ribbon Schools. Clifford Pierce Middle School

is one of only two Indiana schools, and one of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Clifford Pierce Middle School met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students at Clifford Pierce Middle School effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Clifford Pierce Middle School have shown a consistent commitment to academic excellence and community leadership. Clifford Pierce Middle School has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.●

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

● Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at ''The Gathering,'' a meeting of victims of school violence, be printed in the RECORD.

LITTLETON, CO.

DEAR FELLOW SCOUTS: I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' and ''how'' of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingregient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but ''Do Your Best.'' To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do.

Thank You.

EVAN TODD,
Eagle Scout Troop 989.●

REMARKS BY EVAN TODD AT ''THE GATHERING''

I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine and at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere were cloudbursts of epic proportions. All of these acts were senseless, tragic and without justification, whatsoever. As a student who was shot and wounded in the library at Columbine, who was literally trapped while 10 of my classmates were murdered, 4 of them my friends and 16 more of us were wounded, crippled, disfigured and paralyzed, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. These events indicate to me that America has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' of these terrible incidents. The adults debate and argue over what constitutes good, . . . and what constitutes evil; what is right and what is wrong. Our nation has always had guns. Our nation has always had children. I believe what our nation hasn't had—is children murdering children—and their parents, . . . and parents murdering their children. The ingredient that has made American different is the last couple of ''adult generations'' of Americans, and their changes towards what is right & wrong, good & evil. Is God now sending forth demons to America in the form of its children, or have the demons occupied our adult society, by invitation? How are we as kids treated differently than the kids before us? As a generation, we are unique. We have been slaughtered on our way into this world, we are murdered as we live and try to grow in this world, and we are molested, assaulted, sexualized and drugged. The adult society has responded by creating entire new industries and professions to repair their damage to us. Even as I speak to you our adult society is setting the stage to murder us when we become old. We are even taught that we evolved from slime. (An interesting item that the public is not fully aware of is that the two cold-blooded murderers in Littleton used the theory of evolution as their foundation, ''Survival Of The Fittest.'' You've all heard of their uniforms, the black trenchcoats, but the real uniform that day was the T-shirt Eric Harris had on that said ''NATURAL SELECTION'' Has our adult society banned that?) It appears to me that we have willingly become a culture of death and violence. Some adults blame the jocks like me, the cheerleaders and others, . . . even the trenchcoats, . . . and some even say if our country only offered 9 round ammo

clips instead of 10 or more, things would be better.

At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If I were to take into my life what is provided to me by society, my actions too would violate the Heavenly & Moral Laws my family have taught me. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my bedroom is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

Even before Columbine, my father told me that when a society opens the gates of hell for the pursuit of its' happiness, for its' pleasures and for its' economy, the devil will come out and have his dance with us. We here today were the unfortunate ones who had to dance.

I believe I have found the problem within America. Each and every citizen can too. All they have to do is look into the mirror every day to find the demon. They can also find the solution in that same mirror. Ask yourself daily, ''what am I thinking, saying and doing in my life to call out the demons on the youth of my nation?'' In the final analysis, a nation is judged on how it treats its' young and its' old. Until we return to respecting life as sacred, prepare yourself for more dances, more heartbreak, more death, and more destruction. It also would be wise to look into the future of America. It's not that hard. The character a nation instills into its youth today, will be the destiny of our nation tomorrow.●

TRIBUTE TO TIM JOHNSON

● Mr. LEAHY. Mr. President, today I rise to tell you about a man I have known for many years now who is a credit to his profession and to his community. He is a consummate professional and an even finer human being. Tim Johnson has been bringing the news to Brattleboro, VT and beyond for more than 20 years now. It is clear that Vermonters know a good thing when they hear it.

Tim, now the news director at WTSA, is a Brattleboro institution. In these times of huge media conglomerates and syndicated radio programs, Tim Johnson knows Brattleboro—he is a graduate of Brattleboro Union High School—and residents have come to rely on him for the news they care about. Time, on a typical day, will report on everything from lost pets, to school closings and national affairs. As Vermont's Senator for more than 20 years, I have had the pleasure of working with Tim throughout the years and I have come to appreciate his keen insights and his dogged pursuit of the facts. Tim has demonstrated an unflagging commitment to keeping his community informed and Brattleboro has been the better for it. While we hear so much about what is wrong with the media today, Tim Johnson is a shining example of what is right.

I ask to have printed in the RECORD a profile of Tim Johnson from The Times Argus, dated October 1, 2000.

The article follows:

[From the Sunday Rutland Herald, Oct. 1, 2000]

TIM JOHNSON: RADIO JOURNALIST KEEPS AN EAR ON BRATTLEBORO

(By Susan Smallheer)

BRATTLEBORO.—The studios of WTSA in Brattleboro are on the second floor of an old Victorian home on Western Avenue. It's Tim Johnson's home away from home, sometimes for as long as 18 hours a day. He's even slept on a pull-out futon at the station.

When he's home, though, he's in bed by 10 p.m.—unless there's a close Red Sox game—and up by 4 a.m., and at the station before 5 to prepare for the morning newscast.

Johnson is the news director of Brattleboro's dominant radio station, WTSA-AM and FM. He works exhausting hours, both locked in the studio and then out on the streets getting the news.

This is a radio newsman who gets a tan. (Well, a little tan.)

Johnson, 43, has been on the air since he was a teenager at Brattleboro Union High School, working at WTSA's cross-town competition, WKVT. He was 17 and making $1.60 an hour when he started working weekend shifts at the station, and gradually left behind disc jockey chores for the newsroom.

Johnson is a self-taught radio expert who never went to college, whose first broadcast challenge was to overcome a stutter. Friends say he overcame it by simple determination. ''The first word I stumbled over was Episcopal,'' he said. ''I mispronounced it three times.''

His own name, Arsenault, and the problems he has pronouncing it, helped persuade him to choose something simpler for on-air.

Johnson has been chasing the news in southern Vermont for more than 20 years. No Rolodex for him. He has a memory for telephone numbers, perhaps a 1,000 or more. He goes to house fires, car accidents, board meetings, governor's appearances and homecoming football games.

''It's the personal pride of putting a good product out there,'' said Johnson, who puts the emphasis on community.

''We're one of the few radio stations that still do lost dog announcements,'' said Johnson, who fields telephone calls on such topics ''Is there softball tonight?'' and ''Is there school?'' and ''Is Brattleboro Bowl open tonight?''

He is also the technical wizard at the station, and the 'scanner head.' He taught himself as the station switched to cyber. There is no such thing as a piece of tape in radio now; it's all digital.

The high and mighty came calling at Western Avenue, or rendezvous on the road. His ''Live Mike'' van allows him to get news on the spot and broadcast it first. In the competitive Brattleboro news market, WTSA rules.

''You don't know how many people call me Mike,'' laughs Johnson over soup and salad at the Jolly Butcher, a popular see-and-be-seen restaurant a mile from the station.

With his distinctive deep voice, people instantly recognize Johnson, and his relaxed personality invites conversation, ''You can't brush anybody off; they might think you're a snob and word gets around fast in a town like Brattleboro,'' said Johnson, who seems to enjoy the attention.

At The Jolly Butcher, the jolly chef teases Johnson about the station's recent lobster-eating contest, which raised money for the Winston Prouty Center, a school and day care center for handicapped children. As he leaves, Johnson is hugged by Windham County Side Judge Trish Hain, who once worked for him as an assistant news editor at WKVT. Everybody, it seems, knows him.

He's chairman of the board of directors of BCTV, Brattleboro's heavily watched community television station. He's moderator for his hometown, serving Vernon as a steady hand during marathon town meetings. He's also the Windham County director of the emergency alert system, which accounts for the second of two beepers on his belt. And he recently became the moderator for the Brattleboro Union High School district.

He's also a justice of the peace and Vernon's representative to the Windham Regional Commission.

Johnson relishes the pace, but health problems have forced him to scale back to 55–60 hour work weeks. He's devoting more time now to his wife, family, and three grandchildren, not to mention their dog Loretta. Both he and Sue, the activities programmer at the special needs unit at the Vernon Green Nursing Home, were married before, he said, and family means a great deal to both of them.

Johnson divorced in his 20s, and his only child, 3-year-old son Jeremiah, was murdered 18 years ago in Texas by his ex-wife's drunken half-brother. Johnson says his grief almost destroyed him.

But his renewed interest in his Christian religion has made him forgive his former brother-in-law, who is out of prison after serving most of a 10-year sentence. ''I forgive him. In God's eyes he's forgiven. But do I think he's a nice person? No.

''I don't believe in the death penalty. I'm a death penalty opponent,'' he says.

Religion helps him, he says, deal with his personal tragedy and job stress. And he uses his voice—''I sing tenor''—in the choir of the South Vernon Advent Christian Church, where both his grandfathers were pastors.

Back after lunch, Johnson makes a few calls to get the proverbial sound bite to flesh out a story from the AP about an issue in the governor's race relating to homosexuality and public education.

This afternoon, he will even do double duty, cueing up CDs for a missing DJ,

expertly flipping through the playlist, selecting a song to fit the time slot and sliding it into the stacked CD players, all with seconds to go.

He dashes between music and news, cueing up disks and editing the sound bites he garnered from Vernon NEA President Angelo Dorta, all at amazing speed.

He's in his element.●

SUGAR BEETS

● Mr. BURNS. Mr. President, I rise today to bring attention to a disaster facing many Eastern Montanans. As you are aware, Montana has faced wildfires and drought this summer. Another type of disaster has struck the upper Yellowstone Valley. This region grows and processes about one million tons of sugar beets a year. Sugar beets must be harvested before the ground freezes to ensure the quality of the product. On October 4, 2000, temperatures dropped very low and a heavy frost impacted the area. The growers who are under contract to Holly Sugar are now left without a viable crop that, under normal conditions, would bring $40 million to the area. This is the major cash crop for this part of Montana. Without this revenue, futures, jobs, and businesses will be in jeopardy. I bring this important matter to your attention today, so that you will be prepared to assist me in getting the necessary financial help to these producers whose very future may hinge on the help we can provide.●

TO COMMEMORATE THE 150TH ANNIVERSARY OF THE CHAMBER OF COMMERCE OF HAWAII

● Mr. INOUYE. Mr. President, the year 2000 marks an occasion that is worthy of recognition by the Senate. The Chamber of Commerce of Hawaii celebrates its sesquicentennial, marking the 150th anniversary of its first meeting, on October 15, 1850, of a group of Honolulu businessmen at the behest of Hawaii's King Kamehameha III. They founded the Hawaiian Chamber of Commerce, an organization that would lead the Hawaiian Islands' growth in trade, commerce, economic and social development through the years. The Chamber of Commerce of Hawaii is the second-oldest chamber of commerce west of the Rockies, and the only American chamber founded under a monarchy.

The history of The Chamber of Commerce of Hawaii includes many, many accomplishments. I wish to provide a glimpse of their more notable achievements which I believe merit recognition.

In 1867, The Chamber of Commerce of Hawaii initiated negotiations for the first treaty of reciprocity in trade between the United States of America and the Kingdom of Hawaii.

The Chamber of Commerce of Hawaii authored the Hawaiian National Banking Act of 1884, allowing the establishment of the banking system that has evolved into Hawaii's current system.

In 1898, The Chamber of Commerce of Hawaii began its successful advocacy for a Hawaii-San Francisco Trans-Pacific cable.

The Hawaii Visitors Bureau, today known as the Hawaii Visitors and Conventions Bureau, was founded by the Chamber of Commerce of Hawaii in 1903. This agency has led the development of Hawaii's visitor industry, which today is the largest sector of Hawaii's economy.

In 1907, The Chamber of Commerce of Hawaii conducted a survey of the Pearl River to facilitate the construction of a harbor and dry dock that is now Pearl Harbor. The United States Pacific Command today provides a strong, forward based U.S. defense in the Asia-Pacific region from this great harbor.

In 1919, The Chamber of Commerce of Hawaii founded Aloha United Way, Hawaii's leading charitable organization which annually collects millions of dollars for the needy in Hawaii.

The Chamber of Commerce of Hawaii became the trustee of Hawaii's Public Health Fund in 1923. The Public Health Fund provides seed money for approximately 20 public health projects each year.

In 1928, The Chamber of Commerce of Hawaii's aviation committee sought out airlines to provide the first inter-island air service.

In 1929, The Chamber of Commerce of Hawaii drafted a plan to increase the depth of Honolulu Harbor to accommodate modern ships and facilitate international trade. Today, Honolulu Harbor is our primary port of entry for the vast majority of all goods to Hawaii.

In 1941. The Chamber of Commerce of Hawaii founded the Blood Bank of Hawaii. Later that year, the services of the Blood Bank helped to save many lives when Pearl Harbor was attacked on December 7th, 1941.

The Chamber of Commerce of Hawaii was an active and vocal advocate for statehood for Hawaii. In 1959, The Chamber joined other local advocates in celebrating Hawaii's statehood.

In 1978, The Chamber of Commerce of Hawaii played a leading role in Hawaii's State Constitutional Convention.

Throughout its 150-year history, and continuing today, The Chamber of Commerce of Hawaii has helped to support a strong U.S. economic and military presence in the Asia-Pacific region. As the economies of the region grow, The Chamber's continued support for a strong, forward based military presence that provides the stability prerequisite to prosperity will be important. The Chamber's continued work to promote economic development in the region will play a vital role in aiding the goals and interests of Hawaii and the United States in the Asia-Pacific region.

Congratulations to The Chamber of Commerce of Hawaii on its 150th anniversary, and best wishes for continued success in the years ahead.●

TRIBUTE TO EDMUND F. BALL

● Mr. LUGAR. Mr. President, Hoosiers have been remembering and celebrating the remarkable life and achievements of one of our greatest citizens, Edmund F. Ball. I want to share with the nation a most appropriate tribute published in the Muncie Star Press of October 3, 2000 by Phil Ball.

The article follows:

Ed Ball took his last flight Sept. 30. This was an unscheduled flight but with a good pilot who probably let Ed handle the controls for some of the trip.

This was a flight into history—a flight into legend.

Ed died in Ball Memorial Hospital. Just across the street is the Edmund F. Ball Medical Education Center. And a half-mile away stands the Edmund F. Ball Building on the Ball State campus. A mile and a half away in Community Civic Center (once the Masonic Temple) is an assembly room named the Edmund Ball Auditorium. Those are just a few of the monuments to this most important citizen who has ever lived in our hometown of Muncie.

But Ed's life and times and image and achievements and generosities were his most important monuments.

Ed wasn't one to brag. Those who knew him knew his modesty and his tendency toward self-deprecating humor. One of Ed's witticisms was to say that after his life was over, all he had done was ''to cross the street.'' To explain this, he pointed out that he was born on East Washington Street and when he died he would be laid out and prepared for burial at Meeks Mortuary across the other side of East Washington Street.

But in almost 96 years between those two events, Ed accomplished more than any 10 people and became a legend in his own time, although he would be the first to deny any such words of grandiloquence. This hometown of his and mine and yours has been the beneficiary of countless works of his mind and his generosity.

The last time I saw Ed was when he was hospitalized in June 1999 with a minor problem—heart trouble. I am glad that at that time I did something to boost his morale and help erase one of his lifelong regrets. I made him an honorary member of my Old and Original and Valid Muncie Ball family.

Many people in the past have thought that Ed might be somehow related to me—it isn't really so. Ed's family were frost-bitten immigrants from Buffalo in 1887, whereas my family were already here and cultivating the soil in Delaware County by 1830.

Ed wrote me on June 12, 1999, and said he was pleased that he at long last had finally achieved good genealogic status—even though it was just honorary.

His type of man will not be seen again anytime soon, if ever. He was Muncie's man of the millennium.

Shakespeare said it best when he wrote the last words of Hamlet, the Prince of Denmark, who lay dying. This is what Hamlet said: ''The rest is silence.''●

OPERATION IVORY SOAP

● Mr. SESSIONS. Mr. President, I rise today in tribute to the men and women

who participated in a little known covert operation in World War II—Operation Ivory Soap. During World War II, ''island hopping'' was a critical element in the U.S. Pacific strategy. The idea was to capture Japanese held islands of tactical or strategic importance and by-pass any far-flung or inconsequential bases. Once an island was taken it was used as a forward airfield for aircraft returning from long-range missions where they were repaired, rearmed, and made ready for the next vital mission.

General Henry H. ''Hap'' Arnold, Commander of the Army Air Forces, recognized the need for forward-based, mobile air depots to support American bombers and fighters in the Pacific war. General Arnold and a panel of military officers determined the need for converting naval repair ships into hybrid aircraft depot ships. Eventually, six 440-foot-long Liberty ships and 18 smaller 180-foot-long auxiliary vessels would be modified into Aircraft Repair Units, carrying 344 men, and Aircraft Maintenance Units, manned by 48 troops. Everything from the smallest aircraft parts to complete fighter wings were carried on these ships. The repair and maintenance facilities were manned 24-hours a day and the Liberty ships included platforms to land the ''new'' helicopter for quick ship-to-shore repair transport.

The Army Air Force crews that manned these ships had to be trained to understand the nautical aspect of life at sea. Colonel Matthew Thompson of the Army Air Force was given the mission to turn airmen into seamen. Called back from Anzio in Italy, the Colonel had less than two weeks to organize the training program.

The Grand Hotel in Point Clear, AL, was the focal point for ''Operation Ivory Soap'' training. Colonel Thompson contacted the then owner, Mr. Strat White-Spunner, regarding the use of the hotel as his base of operations where he intended to instill basic seamanship, marine and aquatic training in the Army officers and men of the aircraft repair and maintenance units. As a donation to the war effort, Mr. Roberts turned the Grand Hotel and its facilities over to the US Army Air Force to be used as its Maritime Training School. Operation Ivory Soap training began on July 10, 1944.

Using the Grand Hotel, officers and men moved in and began living in ''Navy style.'' All personnel referred to the floors as decks, kept time by a ship's bell and indulged in the use of tobacco only when the ''smoking lamp'' was lit. The courses included swimming, special calisthenics, marching, drill, navigation, ship identification, signaling, cargo handling, ship orientation, sail making, amphibious operations, and more. Two men from each ship were also trained to be underwater divers. During a five month period, the school turned out 5,000 highly-trained Air Force seamen. When they and their ships went to war, so did Colonel Thompson. The men of the operation participated in the landings in the Philippines, Guam, Tinian, Saipan, Iwo Jima, and Okinawa. Fighter aircraft and B–29s taking off from these bases flew continuous missions over Japan. Many lives, as well as aircraft, were saved because of the men of the aircraft repair and maintenance units.

Perhaps the greatest tribute I can make to the exploits of these sea-going airmen is to paraphrase the Merchant Marines who worked with them and who praised them as ''equal to any sea-going combatants they had ever served with.'' This is a testament to their skill and professionalism and the ability of this nation to adjust its resources to defeat the enemy. The Grand Hotel still stands elegantly on the banks of the Mobile Bay. A hotel whose rich southern history embodies the best traditions of this country.●

JUDGE ROMAN S. GRIBBS, JUDGE FOR THE MICHIGAN COURT OF APPEALS

● Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a distinguished public servant, from my home state of Michigan, Judge Roman S. Gribbs, who will be retiring from the bench of the Michigan Court of Appeals, at the close of this year. In November, hundreds of his colleagues, friends and family will celebrate the career of this gentleman of the bench who played a distinct role in shaping Michigan's history.

Judge Gribbs dedicated his academic and professional life to studying, teaching, enforcing, practicing and interpreting the laws that govern the citizens of Michigan. He excelled in his studies at the University of Detroit where he received his Juris Doctorate in 1954, graduating Magna Cum Laude. He taught at his alma mater from 1954 through 1956 and served as an Adjunct Professor and Faculty member at the University of Michigan and the Thomas M. Cooley Law School. He implemented the law as an Assistant Wayne County Prosecutor from 1956 through 1964 and in his service to the City of Detroit as presiding Traffic Court Referee.

In 1968, Roman Gribbs' career in the law took a new turn when he was appointed, then elected, Sheriff of Wayne County. His commitment to strong and fair enforcement of the law earned him respect far beyond the boundaries of Michigan's most populous county.

In 1969, Sheriff Gribbs was elected mayor of the city of Detroit, just 2 years after the city had endured one of the most destructive civil disturbances in the Nation's history. Under his leadership, the people of Detroit began to heal the city's wounds, to bridge their differences and to build their common future. As a newly elected member of Detroit's City Council in those years, I can testify with first hand knowledge to the debt this great American city owes to the calm, determined leadership of Mayor Roman Gribbs.

After stepping down as mayor, Roman Gribbs followed his love for the law and won a seat on the bench of the Third Judicial Circuit and then on the Michigan Court of Appeals where he has served the people of Michigan with a high standard of ethics and courage.

In addition to being a dedicated man of the bench, Judge Gribbs also finds solace in his involvement in the arts. His interest in the humanities and the cultural arts is evidenced through his service as a member of the Founders Society of the Detroit Institute of Art, the Detroit Historical Society and the Michigan Opera Theater.

Despite all that Judge Gribbs has accomplished in a life of service to others those of us fortunate enough to have enjoyed his friendship may admire him most for the quiet qualities we have seen in him over many years—his unyielding integrity, his uncommon decency and perhaps most amazingly, given the tumultuous times he has lived in, his gentleness.

Judge Gribbs can take pride in his long career of service and dedication to the law and to the people of Michigan. I know my colleagues will join me in saluting this man from Michigan, and in wishing him well in the years ahead.●

TRIBUTE TO COMMANDER CATHERINE A. WILSON

● Mr. INOUYE. Mr. President, as the 106th Congress draws to a close, I stand to pay tribute to a distinguished Navy officer who served as a Congressional Science Detail on my staff during this Congress. Commander Catherine Wilson, United States Navy, was selected for this highly coveted position as a result of her outstanding training, experience, and accomplishments. Her superb performance and impeccable credentials earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed a pleasant demeanor, tremendous integrity, decisive leadership style, political savvy, and unending energy. The ultimate Naval officer, Commander Wilson is a visionary thinker who has the innate ability to implement these visions. Commander Wilson is the consummate professional and nursing has never had a better ambassador nor patients a more devoted advocate.

Commander Wilson forged strong alliances and affiliations with staff from a myriad of Congressional offices, committees, and federal and civilian agencies that fostered a cohesive approach to legislative proposals. She worked

closely with staff members on the Appropriations Subcommittees on Defense and Labor, Health and Human Services and Education in support of military health issues and national nursing and health care agendas.

As an advocate of Tri-Service nursing and military health issues, Commander Wilson championed independent practice for nurse anesthetists, the continuation of the Bachelor of Science degree as the minimum level of education for entry into military nursing practice, continued funding for a graduate school of nursing at the Uniformed Services University of the Health Sciences, and the Tri-Service Nursing Research Program. She was instrumental in securing appropriations language for a wide variety of health care initiatives including telemedicine, advanced medical technologies, and distance learning.

More than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. Commander Wilson embodies what I know military nurses to be—strong, dedicated professional leaders stepping to the forefront to serve our country and committed to caring for our Sailors, Marines, Airmen, Soldiers, and their family members during peacetime and at war.

Commander Wilson is an officer of whom the military and our nation can and should be justifiably proud: a unique combination of talent and devotion to duty. I want to personally acknowledge my sincere appreciation to Commander Wilson for her exemplary months of service, and to bid her a fond aloha and heartfelt mahalo.●

REPORT OF THE VETO MESSAGE ON (H.R. 4733), ''ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001''—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations.

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the ''Energy and Water Development Appropriations Act, 2001.'' The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps form carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to America's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of 10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve Government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 7, 2000.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2311. An act 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.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe. Sr. Post Office Building.''

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office.''

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office.''

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the

Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office.''

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building.''

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building.''

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building.''

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building.''

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the ''Samuel H. Lacy, Sr. Post Office Building.''

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building.''

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building.''

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building.''

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building.''

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building.''

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building.''

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office.''

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building.''

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building.''

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse.''

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

At 2:15 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 762. An act to amend the Public Health Service Act to provide for research and services with respect to lupus.

H.R. 1042. An act to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4441. An act to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products or handled in licensed warehouses, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office.''

H.R. 5136. An act 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.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office Building.''

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

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. 328. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

H. Con. Res. 376. Concurrent resolution expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmund Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT *Rohna* when it sank, the families of these service members, and the rescuers of the HMT *Rohna*'s passengers and crew.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, with an amendment.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the amendment of the House 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.

The message further announced that the House has passed the bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, with an amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I have A Dream'' speech.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The message further announced that the House has agreed to the resolution (H. Res. 618) expressing the condolences of the House of Representatives on the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota.

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4733) making appropriations for energy and water development for fiscal year ending September 30, 2001, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House insists on its amendment to the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. TALENT, Mr. ARMEY, and Ms. VELÁZQUEZ, be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. HYDE, Mr. GEKAS, Mr. ARMEY, Mr. CONYERS, and Mr. NADLER, be the managers of the conference on the part of the House.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 11, 2000, he had presented to the President of the United States the following enrolled bill:

S. 2311. An act 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.

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–11078. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation; Administrative Amendments'' (FRL #6878–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11079. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry'' (FRL #6576–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11080. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Grant Conditions for Indian Tribes and Insular Area Recipients'' received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11081. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001 through 2005; to the Committee on Environment and Public Works.

EC–11082. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STAR 100 Revision'' (RIN3150–AG61) received on October 6, 2000; to the Committee on Environment and Public Works.

EC–11083. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph, (E,Z) -[3-(4-Chlorophenyl) -3-(3 ,4-dimethoxyphenyl) -1-oxo-2-propenyl] morpholine; Pesticide Tolerance'' (FRL #6747–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11084. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flucarbazone-sodium; Time-Limited Pesticide Tolerances'' (FRL #6745–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11085. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacarb; Pesticide Tolerance'' (FRL #6747–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11086. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propamacarb hydrochloride; Pesticide Tolerance'' (FRL #6745–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11087. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triallate, (S–2, 3, 3-trichloroally diisopropylthiocarbamate); Pesticide Tolerance'' (FRL #6744–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11088. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal years 2000 through 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11089. A communication from the Acting Executive Director, Profile Documents for Commodity Pools, transmitting, pursuant to law, the report of a rule entitled ''Profile Documents for Commodity Pools'' (RIN3038–AB60) received on October 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11090. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Motor Vehicle Safety'' and ''Odometers''; to the Committee on Commerce, Science, and Transportation.

EC–11091. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska'' received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11092. A communication from the Deputy Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; 2000 Quota and Associated Management Measures for Yellowfin Tuna in

the Eastern Pacific Ocean'' (RIN0648–AN73) received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11093. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2001 through 2006; to the Committee on Commerce, Science, and Transportation.

EC–11094. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report entitled ''A New FCC for the 21st Century''; to the Committee on Commerce, Science, and Transportation.

EC–11095. A communication from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, 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 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11096. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Commerce, Science, and Transportation.

EC–11097. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Technology Opportunities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11098. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Public Telecommunications Facilities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11099. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the audit of the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–11100. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Agency Compliance with the Unfunded Mandates Reform Act of 1995''; to the Committee on Governmental Affairs.

EC–11101. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Cost-of-Living Allowances (Nonforeign Areas); Hawaii County, Kauai County, Maui County, Guam (Commissary/Exchange), Puerto Rico, and the U.S. Virgin Islands'' (RIN3206–AJ26) received on October 10, 2000; to the Committee on Governmental Affairs.

EC–11102. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''Federal Employees; Overtime Pay Limitation Amendments Act of 2000''; to the Committee on Governmental Affairs.

EC–11103. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Federal Human Resources Management for the 21st Century''; to the Committee on Governmental Affairs.

EC–11104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11105. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the annual inventory of agency activities; to the Committee on Governmental Affairs.

EC–11106. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Certification of the Fiscal Year 2000 Revised Revenue Estimate of $3,225,180,000 in Support of the District's $189 Million Multimodal General Obligation Bonds''; to the Committee on Governmental Affairs.

EC–11107. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the report relative to the annual management and commercial activities inventory; to the Committee on Governmental Affairs.

EC–11108. A communication from the Executive Director of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, a report relative to the retirement plan for employees of the Federal Reserve System prepared as of December 31, 1999; to the Committee on Governmental Affairs.

EC–11109. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1495: A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness (Rept. No. 106–496).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

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 (Rept. No. 106–497).

S. 2920: A bill to amend the Indian Gaming Regulatory Act, and for other purposes (Rept. No. 106–498).

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 Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3185. A bill to end taxpayer support of Federal Government contractors against whom repeated civil judgments or criminal convictions for certain offenses have been entered; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. HATCH, and Mr. BIDEN):

S. 3186. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 3187. A bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program; read the first time.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Con. Res. 147. A concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. DODD, and Mr. LOTT):

S. Con. Res. 148. A concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; considered and agreed to.

By Mr. MACK:

S. Con. Res. 149. A concurrent resolution to correct the enrollment of H.R. 3244; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

MARTIN LUTHER KING, JR. COMMEMORATIVE COIN ACT OF 2000

Ms. LANDRIEU. Mr. President, today I introduce a bill which is long overdue

but now appropriate as our Nation prepares to face the challenges of a new century.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our Nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, ''Those who do not understand history are condemned to repeat it.'' America's history includes dark chapters—chapters in which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King Commemorative Coin Act of 2000.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st Century, I cannot think of better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who have been denied civil or human rights because of their race, religion, gender, sexual orientation or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. Just last month, the House of Representatives passed hate crimes legislation making crimes based on race, religion, gender, and sexual orientation federal offenses. Champions of hate crimes legislation in the Senate and our colleagues in the House of Representatives gave powerful examples of the hatred that exists in our nation even today. As a society, we must always remember Dr. King's message, ''that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.' ''

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the Chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our Nation's history, African-Americans were included on only four out of 157 commemorative coins:

Jackie Robinson, who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life.

Booker T. Washington, who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp.

George Washington Carver, whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South.

And the Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us the opportunity to recognize the valuable contributions of all Americans who stood and were counted during our Nation's civil rights struggle.

Americans like the late Reverend Avery C. Alexander, who was a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an adviser to Governor Morrison of Louisiana in the 1950s.

Heroes like Dr. C.O. Simpkins from Shreveport, LA, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T. J. Jemison of Baton Rouge, a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my State. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, ''If you want the present to be different from the past, study the past.'' This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future.

Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GENETICALLY ENGINEERED FOODS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing the Genetically Engineered Foods Act. This legislation would strengthen consumer confidence in the safety of genetically engineered foods, and in the ability of the federal government to exercise effective oversight of this important technology. This bill requires an FDA pre-market review of all genetically engineered foods, and grants FDA important authorities to conduct oversight. In addition, the Genetically Engineered Foods Act creates a transparent process that will better inform and involve the public as decisions are made regarding the safety of genetically engineered foods.

In the past five years, genetically engineered foods have become a major part of the American food supply. Many foods on the grocery store shelves now contain genetically engineered ingredients such as corn, soy, and potatoes. These foods have been enhanced with important qualities that help farmers grow crops more efficiently. But they have also raised significant concerns as to the safety of these new foods, and the adequacy of government oversight. These concerns were heightened by the recent recall of taco shells that contained a variety of genetically engineered corn that was not approved for human use.

Up until now, genetically engineered foods have been screened by the federal Food and Drug Administration under a voluntary program. The Genetically Engineered Foods Act will make this pre-market review program mandatory, and strengthen government oversight in several important ways.

Mandatory Review: Companies developing genetically engineered foods will receive approval from FDA before new

foods could be marketed. FDA will scientifically ensure that genetically engineered foods are just as safe as conventional foods before allowing them on the market.

Clear-cut Authority: FDA will be given authority to review all genetically engineered foods, whether produced domestically or imported, including authority over genetically engineered food supplements (such as ginseng extract, for example). Genetically engineered foods not approved for market will be considered ''adulterated'' and subject to FDA recall.

Public Involvement: Scientific studies and other materials submitted to FDA in their review of genetically engineered foods will be available for public review and comment. Members of the public can submit any new information on genetically engineered foods not previously considered by FDA and request a new review of a genetically engineered food, even after the food is on the market.

Testing: FDA, in conjunction with other federal agencies, will be given the authority to conduct scientifically-sound food testing to determine whether genetically engineered foods are inappropriately entering the food supply (for instance, whether a food cleared for use only as an animal feed is showing up in food for humans).

Communication: FDA and other federal agencies will establish a registry of genetically engineered foods for easy, one-stop access to information on which foods have been cleared for market, and what restrictions are in place on their use. Federal agencies will report regularly to Congress on the status of genetically engineered foods in use. The genetically engineered food review process will be fully transparent so that the public has access to all non-confidential information.

Research: An existing genetically engineered foods research program will be expanded to focus research on possible risks from genetically engineered foods, with a specific emphasis on potential allergens. Research is also directed at understanding impacts, to farmers and to the overall economy, of the growing use of genetically engineered foods.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation. The American people should be assured that the food they feed their families is the safest in the world. The Genetically Engineered Foods Act can help provide that assurance. I ask unanimous consent that a copy 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. 3184

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 ''Genetically Engineered Foods Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) genetically engineered food is rapidly becoming an integral part of the United States and international food supplies;

(2) the potential positive effects of genetically engineered foods are enormous;

(3) the potential for negative effects, both anticipated and unexpected, exists with genetic engineering of foods;

(4) evidence suggests that unapproved genetically engineered foods are entering the food supply;

(5) it is essential to maintain public confidence in the safety of the food supplies and in the ability of the Federal government to exercise adequate oversight of genetically engineered foods;

(6) public confidence can best be maintained through careful review of new genetically engineered foods, and monitoring of the positive and negative effects of genetically engineered foods as the foods become integrated into the food supplies, through a review and monitoring process that is scientifically sound, open, and transparent, and that fully involves the general public; and

(7) since genetically engineered foods are developed worldwide and imported into the United States, it is also imperative to ensure that imported genetically engineered foods are subject to the same level of oversight as domestic genetically engineered foods.

SEC. 3. PREMARKET REVIEW OF GENETICALLY ENGINEERED FOODS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 414. GENETICALLY ENGINEERED FOODS.

''(a) DEFINITIONS.—In this section:

''(1) GENETIC ENGINEERING.—The term 'genetic engineering' means the application of a recombinant DNA technique or a related technology to modify genetic material with a degree of specificity or precision that is not usually available with a conventional breeding technique or another form of genetic modification.

''(2) GENETICALLY ENGINEERED FOOD.—The term 'genetically engineered food' means a food or dietary supplement that—

''(A)(i) is produced in a State; or

''(ii) is offered for import into the United States; and

''(B) is created by genetic engineering.

''(3) PRODUCER.—The term 'producer', used with respect to a genetically engineered food means a person, company, or other entity that develops, manufactures, imports, or takes other action to introduce into interstate commerce, a genetically engineered food.

''(4) SAFE.—The term 'safe', used with respect to a genetically engineered food, means that the food is considered to be as safe as the appropriate comparable food that is not created by genetic engineering.

''(b) REGULATIONS FOR GENETICALLY ENGINEERED FOODS.—

''(1) PREMARKET CONSULTATION AND APPROVAL.—

''(A) IN GENERAL.—The Secretary shall issue regulations that require a producer of a genetically engineered food, in order to obtain the approval described in subparagraph (B), to use a premarket consultation and approval process described in subparagraph (C).

''(B) APPROVAL.—The regulations shall require the producer to use the process in order to obtain approval to introduce the food into interstate commerce, except in cases where the producer has previously successfully completed the process described in subparagraph (C) or the voluntary premarket consultation process described in paragraph (2).

''(C) PROCESS.—The regulations shall require the producer to use a premarket consultation and approval process that—

''(i) includes the procedures of the voluntary premarket consultation process described in paragraph (2); and

''(ii) meets the requirements of this subsection.

''(2) VOLUNTARY PREMARKET CONSULTATION PROCESS.—The process referred to in paragraph (1)(C)(i) is the voluntary premarket consultation process described in—

''(A) the guidance document entitled 'Guidance on Consultation Procedures: Foods Derived From New Plant Varieties', issued in October 1997, by the Office of Premarket Approval of the Center for Food Safety and Applied Nutrition, and the Office of Surveillance and Compliance of the Center for Veterinary Medicine, of the Food and Drug Administration (or any corresponding similar guidance document);

''(B) the statement of policy entitled 'Foods Derived From New Plant Varieties', published in the Federal Register on May 29, 1992, 57 Fed. Reg. 22984 (or any corresponding similar statement of policy); and

''(C) such other documents issued by the Commissioner relating to such process as the Secretary may determine to be appropriate.

''(3) SUBMISSION AND DISSEMINATION OF MATERIALS.—

''(A) SUBMISSION.—The regulations shall require that, as part of the consultation and approval process, each producer of a genetically engineered food submit to the Secretary—

''(i) each summary of research, test results, and other materials that the producer is required to submit under the process described in paragraph (2); and

''(ii) a copy of the research, test results, and other materials.

''(B) DISSEMINATION.—On receipt of a request for the initiation of a consultation and approval process, or on receipt of such summary, research, results, or other materials for a food, the Secretary shall provide public notice regarding the initiation of the process, including making the notice available on the Internet. The Secretary shall make the summaries, research, results, and other materials relating to the food publicly available, including, to the extent practicable, available on the Internet, prior to making any determination under paragraph (4).

''(C) PROTECTION OF TRADE SECRETS.—The regulations shall ensure that laws in effect on the date of enactment of the Genetically Engineered Foods Act that protect trade secrets apply with respect to the information submitted to the Secretary under subparagraph (A). Such regulations may provide for the submission of sanitized information in appropriate cases, and the dissemination of such sanitized information.

''(4) DETERMINATIONS.—The regulations shall require that, as part of the consultation and approval process for a genetically engineered food, the Secretary shall—

''(A) determine whether the producer of the food has submitted, during the consultation, materials and information that are adequate to enable the Secretary to fully assess the safety of the food, and make a description of the determination publicly available; and

''(B) if the Secretary determines that the producer has submitted adequate materials

and information, conduct a review of the materials and information, and, in conducting the review—

''(i) prepare a response that—

''(I) summarizes the materials and information;

''(II) explains the determination; and

''(III) contains a finding by the Secretary that the genetically engineered food—

''(aa) is considered to be safe and may be introduced into interstate commerce;

''(bb) is considered to be conditionally safe and may be so introduced if certain stated conditions are met; or

''(cc) is not considered to be safe and may not be so introduced;

''(ii) make the response publicly available; and

''(iii) provide an opportunity for the submission of additional views or data by interested persons on the response.

''(5) REVIEW FOR CAUSE.—

''(A) REQUEST FOR ADDITIONAL REVIEW.—The regulations shall provide that any person may request that the Secretary conduct an additional review, of the type described in paragraph (4)(B), for a food on the basis of materials and information that were not available during an earlier review described in paragraph (4)(B) or that were not considered during the review.

''(B) FINDING FOR ADDITIONAL REVIEW.—The Secretary shall conduct the additional review, on the basis of the materials and information described in subparagraph (A) if the Secretary finds that the materials and information—

''(i) are scientifically credible;

''(ii) represent significant materials and information that was not available or considered during the earlier review; and

''(iii) suggest potential negative impacts relating to the food that were not considered in the earlier review or demonstrate that the materials and information considered during the earlier review were inadequate for the Secretary to make a safety finding.

''(C) ADDITIONAL MATERIALS AND INFORMATION.—In conducting the additional review, the Secretary may require the producer of the genetically engineered food to provide additional materials and information, as needed to facilitate the review.

''(D) FINDING.—In conducting the review, the Secretary shall—

''(i) issue a response described in paragraph (4)(B) that revises the finding made in the earlier review with respect to the safety of the food; or

''(ii) make a determination, and issue an explanation stating, that no revision to the finding is needed.

''(E) ACTION OF SECRETARY.—If, based on a review under this paragraph, the Secretary determines that the food involved is not safe, the Secretary may withdraw the approval of the food for introduction into interstate commerce or take other action under this Act as the Secretary determines to be appropriate.

''(6) EXEMPTIONS.—

''(A) CATEGORIES OF GENETICALLY ENGINEERED FOODS.—

''(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts a category of genetically engineered foods from the regulations described in paragraph (1) if—

''(I) the rule contains a narrowly specified definition of the category;

''(II) the rule specifies the particular foods included in the category;

''(III) the rule specifies the particular genes, proteins, and adjunct technologies (such as use of markers or promoters) that are involved in the genetic engineering for the foods included in the category; and

''(IV) not less than 10 foods in the category have been reviewed under paragraph (4)(B) and found to be safe.

''(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

''(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

''(B) REGULATED GENETICALLY ENGINEERED FOODS.—

''(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts from the regulations described in paragraph (1) genetically engineered foods that the Secretary determines are subject to regulation under Federal law other than this section, such as foods from pharmaceutical-producing plants.

''(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

''(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

''(7) ISSUANCE DATES.—The Secretary shall issue proposed regulations described in paragraph (1) not later than 6 months after the date of enactment of the Genetically Engineered Foods Act, and final regulations described in paragraph (1) not later than 18 months after such date of enactment.

''SEC. 415. REPORTS ON GENETICALLY ENGINEERED FOODS.

''(a) DEFINITIONS.—In this section, the terms 'genetic engineering' and 'genetically engineered food' have the meanings given the terms in section 414.

''(b) GENERAL AUTHORITY.—The Secretary, the Administrator, and the Secretary of Agriculture (referred to in this section as the 'covered officers'), after consultation with the Secretary of Commerce, the Secretary of the Interior, the Council on Environmental Quality, and the heads of such other agencies as the covered officers may determine to be appropriate, shall jointly prepare and submit to the appropriate committees of Congress reports on genetically engineered foods and related concerns.

''(c) CONTENTS.—The reports shall contain—

''(1) information on the types and quantities of genetically engineered foods being offered for sale or being developed, domestically and internationally;

''(2) information on current and emerging issues of concern relating to genetic engineering, including issues relating to—

''(A) the ecological impacts of, antibiotic markers for, insect resistance to, nongerminating or terminator seeds for, or cross-species gene transfer for, genetically engineered foods;

''(B) foods from animals created by genetic engineering;

''(C) non-food crops, such as cotton, created by genetic engineering; and

''(D) socioeconomic concerns (such as the impact of genetically engineered foods on small farms), and liability issues;

''(3) information on options for labeling genetically engineered foods, the benefits and drawbacks of each option, and an assessment of the authorities under which such labeling might be required;

''(4) a response to and information on the status of implementation of the recommendations contained in a report entitled 'Genetically Modified Pest Protected Plants', issued in April 2000, by the National Academy of Sciences;

''(5) an assessment of data needs relating to genetically engineered foods;

''(6) a projection of the number of genetically engineered foods that will require regulatory review in the next 5 years, and the adequacy of the resources of the Food and Drug Administration, Environmental Protection Agency, and Department of Agriculture to conduct the review; and

''(7) an evaluation of the national capacity to test foods for the presence of genetically engineered ingredients.

''(d) SUBMISSION OF REPORTS.—The covered officers shall submit reports described in this section not later than 2 years, 4 years, and 6 years after the date of enactment of the Genetically Engineered Foods Act.

''SEC. 416. MARKETPLACE TESTING.

''(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a program to conduct testing, as determined necessary by the Secretary, to identify genetically engineered foods at all stages of production (from the farm to the retail store).

''(b) PERMISSIBLE TESTING.—Under the program under subsection (a), the Secretary may conduct tests on foods —

''(1) to identify genetically engineered ingredients that have not been approved for use pursuant to this Act, including foods that are developed in foreign countries that have not been approved for marketing in the United States under this Act; and

''(2) to identify the presence of genetically engineered ingredients the use of which is restricted under this Act (including approval for animal feed only, approval only if properly labeled, approval for growing or marketing only in selected regions).

''SEC. 417. GENETICALLY ENGINEERED FOOD REGISTRY.

''(a) ESTABLISHMENT.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a registry for genetically engineered foods that contains a description of the regulatory status of all such foods that have been submitted to the Secretary for premarket approval and that meets the requirements of subsection (b).

''(b) REQUIREMENT.—The registry established under subsection (a) shall—

''(1) identify all genetically engineered food that have been submitted to the Secretary for premarket approval;

''(2) contain the technical and common names of each of the foods identified under paragraph (1)

''(3) contain a description of the regulatory status under this Act of each of the foods identified under paragraph (1);

''(4) contain a technical and non-technical summary of the types of genetic changes made to each of the foods identified under paragraph (1) and the reasons for such changes;

''(5) identify an appropriate public contact official at each entity that has created each of the foods identified in paragraph (1);

''(6) identify an appropriate public contact official at each Federal agency with oversight responsibility over each of the foods identified in paragraph (1); and

''(7) be accessible by the public.''.

SEC. 4. PROHIBITED ACTS.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(h) If it is a food containing a genetically engineered food as an ingredient, or is a genetically engineered food (as defined in section 414(a)) that is subject to section 414(b) that—

''(1) does not meet the requirements of section 414(b); and

''(2)(A) is produced in the United States and introduced into interstate commerce by a producer (as defined in section 414(a)); or

''(B) is introduced into interstate commerce by an importer.''.

SEC. 5. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.

(a) IN GENERAL.—Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking subsections (a) and (b) and inserting the following:

''(a) PURPOSES.—The purposes of this section are—

''(1) to authorize and support research intended to identify and analyze technological developments in the area of biotechnology for the purpose of evaluating the potential positive and adverse effects of the developments on the United States farm economy and the environment, and addressing public concerns about potential adverse environmental effects, of using biotechnology in food production; and

''(2) to authorize research to help regulatory agencies develop policies, as soon as practicable, concerning the introduction and use of biotechnology.

''(b) GRANT PROGRAM.—The Secretary of Agriculture, acting through the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service, shall establish a competitive grant program to conduct research to promote the purposes described in subsection (a).''.

(b) TYPES OF RESEARCH.—Section 1668(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) Research designed to evaluate—

''(A) the potential effect of biotechnology developments on the United States farm economy;

''(B) the competitive status of United States agricultural commodities and foods in foreign markets; and

''(C) consumer confidence in the healthfulness and safety of agricultural commodities and foods.''.

(c) PRIORITY.—Section 1668(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(d)(1)) is amended by inserting before the semicolon the following: '', but giving priority to projects designed to develop improved methods for identifying potential allergens in pest-protected plants, with particular emphasis on the development of tests with human immune-system endpoints and of more reliable animal models''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking the section heading and inserting the following:

''SEC. 1668. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.''.

(2) Section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)) is amended by striking ''for research on biotechnology risk assessment''.

Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

CYBER SECURITY ENHANCEMENT ACT OF 2000

Mr. KYL. Mr. President, today I rise to introduce the Cyber Security Enhancement Act of 2000. This legislation is designed to enhance America's ability to protect our critical infrastructures from attack by hackers, terrorists, or hostile nations. It is a result of many meetings and hearings I have held as the Chairman of the Judiciary Subcommittee on Technology, Terrorism, and Government Information that focused on cyber security and critical infrastructure protection.

As we all know, the Information Revolution has transformed virtually every aspect of our daily lives. However, advancements in technology have not been accompanied by adequate security. Today, our nation's critical infrastructures have all become interdependent, with vulnerable computer networks as the backbone. These networks, and the vital services they support like transportation, electric power, air traffic control, and telecommunications, are vulnerable to disruption or destruction by anyone with a computer and a modem. And an attack on one sector can cascade to others, causing significant loss of revenue, disruption of services, or loss of life.

The Cyber Security Enhancement Act seeks to remove some of the impediments to effective cooperation between the private sector and the government that prevent effective cyber security. Over the past three years, Senator FEINSTEIN and I have held seven hearings in our subcommittee on cyber security issues. Although we received many recommendations from experts at these hearings and from Executive Branch commissions, I have only included those ideas in this bill that I thought would clearly improve cyber security efforts.

In particular, this bill would allow companies to voluntarily submit information on cyber vulnerabilities, threats, and attacks to the federal government, without this information being subject to Freedom of Information Act disclosure. The bill would also clarify anti-trust law to permit companies to share information with each other on these cyber security issues. In addition, the bill would authorize the Attorney General to issue administrative subpoenas in order to swiftly trace the source of a cyber attack. It then requires the Attorney General to report to Congress on a plan to standardize requests from law enforcement agencies to private companies for electronic information and records used during a cyber investigation. Finally, it requires the Attorney General and the Secretary of Commerce to report on efforts to encourage the utilization of technologies that prevent the use of false Internet addresses.

I would like to provide a brief background some of the actions by the government that have helped to highlight the impediments addressed by the Cyber Security Enhancement Act:

Because of my concern for America's new ''Achilles heel'', I authored an amendment to the 1996 Defense Authorization Act, directing the President to submit a report to Congress ''setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks.''

In July 1996, the President's Commission on Critical Infrastructure Protection, PCCIP, was established. It was required to report to the President on the scope and nature of the vulnerabilities and threats to the nations critical infrastructures. It was also charged to recommend a comprehensive national policy and implementation plan for critical infrastructure protection and determine legal and policy issues raised by their proposals. The Cyber Security Enhancement Act implements some of their legal recommendations.

The Commission released its report in October of 1997. It called for an unprecedented partnership between the public and private sector to better secure our information infrastructure. This partnership is essential because approximately 90 percent of the critical infrastructures are owned and operated by private industry.

In May 1998, the President issued Presidential Decision Directive 63, PDD 63, as a response to the Commissions recommendations. This directive set 2003 as the goal for protecting our critical infrastructures from attack. Among other provisions, PDD–63 created Information Sharing and Analysis Centers, ISACs, for the private sector to share information on cyber vulnerabilities and attacks.

Finally, on January 7th, 2000, President Clinton released the first edition of the national plan to protect our critical infrastructures. The plan was a modest first step towards addressing the cyber security challenges before the nation. Like the PCCIP, its key element was the call for a public-private partnership. In February of 2000, I chaired a hearing in my Judiciary Subcommittee on Technology, Terrorism,

and Government Information on the national plan and its privacy implications. I plan to hold additional oversight hearings on the plan in the future.

Overall protection from cyber attack necessitates that information about cyber vulnerabilities, threats, and attacks be communicated among companies, and with government agencies. Two major legal obstacles towards accomplishing this goal have been repeatedly identified.

A company which voluntarily submits cyber vulnerability and attack information to the federal government in order to help raise overall security must be assured that this information is protected from disclosure or they will not voluntarily submit such information. My legislation provides a narrowly defined exemption from the Freedom of Information Act for this purpose.

In its report, the PCCIP specifically addressed the legal impediments to information sharing. In that section, the Commission stated:

> We envision the creation of a trusted environment that would allow the government and private sector to share sensitive information openly and voluntarily. Success will depend upon the ability to protect as well as disseminate needed information. We propose altering several legal provisions that appear to inhibit protection and thus discourage participation.
>
> The Freedom of Information Act, FOIA, makes information in the possession of the federal government available to the public upon request. Potential participants in an information sharing mechanism may require assurances that their sensitive information will remain confidential if shared with the federal government.
>
> We recommend: The proposed Office of National Infrastructure Assurance (now the Critical Infrastructure Assurance Office) require appropriate protection of specific private sector information. This might require, for example, inclusion of a b(3) FOIA exemption in enabling legislation.

Currently, there are over 100 exemptions to FOIA that have been created by other laws. My legislation creates another so called ''(b)(3)'' exemption that would ensure that Federal entities, agencies, and authorities that receive information submitted under the statute can offer the strongest possible assurances that information received will be protected from FOIA disclosure.

Our legislation would not allow submitters to hide information from the public. If current reporting obligations require that certain information be submitted to a particular agency, this non-disclosure provision would not alter that requirement. The legislation would only protect voluntarily submitted information that the government would otherwise not have.

There is tremendous support for this FOIA exemption. My subcommittee held a hearing in March to address the impediments to information sharing. At that hearing, I asked Harris Miller, President of the Information Technology Association of America (the largest and oldest association of its kind in the nation): ''With respect to FOIA, is it fair to say that we won't have adequate information sharing until we offer an exemption to FOIA for critical information infrastructure protection?'' Mr. Miller responded: ''Absolutely. As long as companies believe that by cooperating with the government they're facing the risk of very sensitive and confidential information about proprietary secrets or about customer records, however well intentioned, ending up in the public record, that is going to be, to use your phrase, a show stopper.''

FBI Director Louis Freeh testified at the same hearing. He was asked if he supported a FOIA exemption and said: ''I would certainly tend to favor it in the limited area of trade secrets, proprietary information, intellectual property, much like my comments about the Economic Espionage Act, where that is carved out as an area that protects things that are critical to conduct an investigation, but would be devastating economically and otherwise to the owner of that property, if it was disclosed or made publicly available.''

The Critical Infrastructure Assurance Office has sponsored the ''Partnership for Critical Infrastructure Security'', which is a collaborative effort of industry and government to address risks to national critical infrastructures and assure delivery of essential services. It has representation from all sectors of private industry. During their meeting in February, five working groups were formed, one of which addressed legal impediments to information sharing. FOIA was raised as a primary impediment.

Former Senator Sam Nunn and Frank Cilluffo, of the Center for Strategic and International Studies, wrote an op-ed on cyber security in the Atlanta Journal-Constitution last month. In the article, they stated: ''We need to review and revise the Freedom of Information Act, which now constitutes an obstacle to the sharing of information between the public and private sectors.''

We clearly need to assure private companies that information they share with the government in order to improve cyber security and protect our critical infrastructures will be protected from public disclosure. This legislation provides that assurance.

Information-sharing activities between companies in the private sector is inhibited by concern over anti-trust violations. According to the PCCIP, ''Potential contributors from the private sector are reluctant to share specific threat and vulnerability information because of impediments they perceive to arise from antitrust and unfair business practice laws.''

The Cyber Security Enhancement Act includes an assurance that companies who share information with each other on the narrow issues of cyber threats, vulnerabilities, and attacks will not be subject to anti-trust penalties. This protection was similarly provided to companies during the preparation for Y2K. There is also a great deal of support for this provision.

David Aucsmith, Intel's chief security officer, testified at a Scottsdale, AZ field hearing of my subcommittee on cyber security on April 22. In reference to information sharing between companies, he stated, ''However, there are problems with that cooperation. We are now having a collection of industry competitors coming together to share information. This brings up anti-trust issues.''

In the op-ed by Nunn and Cilluffo, they stated, ''Likewise, we need to address legislatively the multitude of issues related to liability, including anti-trust exposure that may arise in sector-to-sector cooperation in cyberspace.''

Harris Miller, President of the ITAA, wrote an op-ed on cyber security for the Washington Post in May. In his section on information sharing, he commented, ''Part of the answer will require new approaches to the Freedom of Information Act and the anti-trust laws so that sensitive information can be protected.''

Companies need assurance that their participation in information sharing activities about cyber vulnerabilities, threats, and attacks will not result in punishment. The Cyber Security Enhancement Act provides the assurance that such narrow areas of cooperation will not result in unwarranted anti-trust prosecution.

Cyber attacks often leave no witnesses. When an attack does occur, its origin, scope, and objective are usually not obvious at first. Time is a critical factor in the pursuit of a cyber attacker, and new tools are needed to fight this problem. At the March hearing of my subcommittee, FBI Director Louis Freeh testified about the need for law enforcement to have administrative subpoena authority in order to swiftly trace the source of a cyber attack. The Cyber Security Enhancement Act will permit law enforcement to use administrative subpoenas to gain source information of an attack. Under current law, the authority to issue administrative subpoenas is limited to cases involving violations of Title 21 (i.e. drug controlled substances' cases), investigations concerning a federal health care offenses, or cases involving child sexual exploitation or abuse.

The ''Love Bug'' virus investigation is an excellent example of where speed is of the essence in catching a cyber criminal. Philippine authorities investigating the ''Love Bug'' computer virus wanted to search the suspects'

apartment sooner, but were unable to find a judge over the weekend. The delay apparently gave the apartment's residents time to dispose of the personal computer and key evidence.

The administrative subpoena provision in my legislation is very narrowly limited to cybercrime investigations involving violations of nine federal statues that address computer crimes. This provision is only concerned with obtaining information about the source of the electronic communication. It specifically protects privacy rights by prohibiting the disclosure of the contents of an electronic message. Administrative subpoenas will provide law enforcement with the speed and the means to enhance the protection of our critical infrastructures from attack in cyberspace.

The Cyber Security Enhancement Act will remove roadblocks to information sharing and investigation of cyber attacks. It will foster greater cooperation among the private sector and with the government on cyber security issues by providing limited protection from FOIA and anti-trust laws. It will take away the current ability of cyber criminals to evade law enforcement's efforts to catch them by authorizing administrative subpoenas. It will encourage standardization in requests for information by law enforcement to the private sector. It will encourage the use of technologies that inhibit a cyber attacker from utilizing a false Internet address.

Ultimately, this legislation enhances the protection of our nation's critical infrastructures from cyber attack by hackers, terrorists, or hostile nations. I am committed to doing what I can to secure our nation's way of life in the Information Age. This legislation is a critical first step.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. SNOWE. Mr. President, I rise today to introduce the Child Support Distribution Act. This is companion legislation to Congresswoman NANCY JOHNSON's bill in the House, which passed the House overwhelmingly on September 7, 2000. I want to begin by thanking Senator KOHL for his leadership on child support issues; I am delighted to have been able to team up with him again in this important area. The child support provisions of this bill closely resemble his original legislation—the Children First Child Support Reform Act—of which I am a proud cosponsor. I also want to thank Senator BAYH for his leadership on new fatherhood initiatives. I am pleased that we could work together and incorporate their ideas into this vital legislation. I am pleased to have Senators CHAFEE, MOYNIHAN, and BREAUX as original cosponsors on this bill.

There is no question that children are the very future of our country and I believe fundamentally that every child has the right to grow up healthy, happy, and safe. Throughout my career, promoting children's well-being and keeping our children safe is a mission that has been close to my heart. While we cannot expect the government to ensure that every child receives parental love and attention, we can ensure that parents pay court-ordered child support, and we can ensure that the custodial parent—not the government—receives this vital financial support.

Ending poverty and promoting self-sufficiency is an on-going national commitment. Four years ago Congress restored welfare to a temporary assistance program, rather than a program that entangles and traps generation after generation. Today, the welfare caseload has fallen by six million recipients from 12.6 million in 1996 to 6.6 million in September 1999. This reflects a drop of 49 percent in just three years. We also have the lowest percentage (2.4) of the American population on welfare since 1967.

Unfortunately, while we are succeeding in promoting self-sufficiency and self-reliance through welfare reform, we are sending out a double-edged message on the need to pay child support. Current law regarding the assignment and distribution of child support for families on welfare is extremely complicated—depending on when families applied for welfare, when the child support was paid, whether that child support was for current or past-due payments, and depending on how the child support was collected, in other words, through direct payments, through garnishing wages or other government assistance programs, or the federal income tax return intercept program.

The ''Child Support Distribution Act of 2000'' would provide more child support money to families leaving welfare; would simplify the rules governing the assignment and distribution of child support collected by States; would improve the collection of child support; would authorize demonstration programs encouraging public agencies to help collect child support; and would implement a fatherhood grant program to promote marriage, encourage successful parenting, and help fathers find jobs and increase their earnings.

Under current law, when child support is collected for families receiving Temporary Assistance for Needy Families, TANF, the money is divided between the state and federal governments as payment for the welfare the family has received. The 1996 Welfare Reform Act gave states the option to decide how much, if any, of the state share of child support payments collected on behalf of TANF families to send to the family.

The 1996 Welfare Reform law also required that in order to qualify for TANF benefits, beneficiaries must ''assign''—or give—their child support rights to the state for periods before and while the family is on welfare. This means that the State is allowed to keep (and divide with the federal government) child support arrearages that were owed even before the family went on TANF if they are collected while the family is receiving welfare benefits.

The original intent of these assignment and distribution strategies was to reimburse the state and federal governments for their outlays to the welfare family. But how much sense does it make to tell a family that is on welfare or trying to get off welfare that the State is entitled to the first cut of any child support payment, even if the absent parent begins to pay back the child support that was owed before the family went on welfare?

This means that the state gets the support before a parent can buy new shoes for her child, before she can buy her child a new coat for the approaching winter, before she can buy groceries for her family, or pay the rent for the next month. So in the real world, not just a policy-oriented world, our current law regarding child support payments provides a disincentive for struggling parents to leave welfare, and it certainly provides no incentive for the absent parent to pay, much less catch up with, their child support bills. I wonder how we can realistically expect to foster a positive relationship between a custodial parent, and the parent paying child support, when the State is entitled to all of the support money.

The key provisions of the bill I am introducing today will allow states to pass through the entire child support collected on their behalf while a person is on welfare; will change how and when child support is ''owed'' to the states for reimbursement for welfare benefits; and will expand the child support collection provisions such as revoking passports for past-due child support.

We must ensure both non-custodial and custodial parents that child support payments are directly benefitting their children. This bill will enable families to keep more of the past-due child support owed to them and it will further the goals of the 1996 Welfare Reform Act by helping families to remain self-sufficient. This bill will give

mothers leaving welfare an additional $4 billion child support collections over the first five years of full implementation. It will also lead to the voluntary payment by states of about $900 million over five years in child support to families while they are still on welfare.

Children are the leaders of tomorrow; they are the very future of our great nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. And, when appropriate, we need to help parents financially support and provide for their children. Because it simply makes little sense to ask people to be self-sufficient, to pay their child-support bills, and then to allow the State to collect all of that child-support.

I encourage my colleagues to take a serious look at this bill and pass it before we adjourn.

Mr. BAYH. Mr. President, I rise today with the hope that this important legislation will be addressed prior to the adjournment of this Congress. As an original cosponsor of the ''Child Support Distribution Act of 2000,'' I strongly support the promotion of responsible fatherhood and putting more money in the hands of families for their children. The House of Representatives has done their part by passing a similar bill 405 to 18. It is time for the Senate to act.

This bill incorporates provisions from a bill I authored, S. 1364, the ''Promoting Responsible Fatherhood Act,'' a bipartisan bill to help fathers and noncustodial parents provide emotional and financial support for their children. The provision in this bill to provide states with grants for fatherhood programs is essential to ensure smaller more localized programs receive funding and to provide each state with seed money to expand upon current fatherhood initiatives.

With the inclusion of fatherhood and media grants, this bill strikes an appropriate balance to address ''deadbroke'' fathers and ''deadbeat'' fathers. In order to help dead-broke fathers act responsibly, this bill authorizes grants to fatherhood programs to provide employment training and build upon parenting skills. Last year, I visited the Father Resource Program, run by Dr. Wallace McLaughlin in Indianapolis, Indiana. This program is a wonderful example of a local, private/public partnership that delivers results. It has served more than 500 fathers, primarily young men between the ages of 15 and 25, by providing father peer support meetings, premarital counseling, family development forums and family support services, as well as co-parenting, employment, job training, education, and life skills classes.

The fathers there were eager to tell me when I asked about the difference these programs have made in their lives and the lives of their children.

One said to me, ''After the six-week fatherhood training program, the support doesn't stop . . . I was wild before. The program taught me self-discipline, parenting skills, responsibility.''

Another said, ''As fathers, we would like to interact with our kids. When they grow into something, we want to feel proud and say that we were a part of that.''

And yet another, ''The program showed me how to have a better relationship with my child's mother, and a better relationship with my child. Before those relationships were just financial.''

While the program's emotional benefits to families are difficult to measure, we do know it is helping fathers enter the workforce. Over 80 percent of the men who have graduated from the program are currently employed.

In addition, to grant programs that provide parenting skills, employment related training, and encourage healthy child-parent relationships there needs to be a cultural shift. This shift will only take place when society deems it unacceptable to evade one's responsibility as a father. This shift is necessary to motivate the ''deadbeat'' fathers to take responsibility for their children. In an effort to achieve this cultural shift, the ''Child Support Distribution Act of 2000'' includes $25 million for a media grant program that will allow each state to air television ads that convey the importance of fatherhood.

In addition, this bill expands upon the provision in S. 1364 to encourage states to pass-through child support funds directly to families that are currently on government assistance. This provision would provide an additional $6.2 billion in the hands of families and children over the next ten years. In addition, it will increase the likelihood that noncustodial parents will pay child support and allow children to benefit from their noncustodial parents' financial contributions. Making families self sufficient through the participation of both parents in their children's lives is the next step in welfare reform.

Society has been aware of the connection between fatherlessness and children experiencing social ills such as poverty, crime, and teen pregnancy for sometime now. However, the Federal Government continues to spend billions of dollars to address these social ills and very little to address the root causes of such social ills. In order to break the cycle of poverty, government dependance, and crime Congress needs to address fatherlessness and the breakdown of the family structure.

The investment called for in this legislation is fiscally responsible—it helps deal with the root causes, not just the symptoms, of many of the social problems that cost our society a great deal of money.

The cost to society of drug and alcohol abuse is more than $110 billion per year.

The federal government spends $8 billion a year on dropout prevention programs.

Last year we spent more than $105 billion on poverty relief programs for families and children.

The social and economic costs of teenage pregnancy, abortion and sexually transmitted diseases have been estimated at more than $21 billion per year.

All this adds up to a staggering price we pay for the consequences of our fraying social fabric, broken families and too many men not being involved with their kids.

The number of kids living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Children need positive role models.

The House overwhelmingly declared their support for child support and fatherhood measures. I urge the Senate to declare their support for these measures and pass this legislation this year. I yield the remaining time to the floor.

Mr. KOHL. Mr. President, I rise today as an original co-sponsor of this important legislation, the ''Child Support Distribution Act of 2000,'' and am pleased to join with Senators SNOWE, BAYH, CHAFEE, MOYNIHAN and BREAUX in this effort to help build stronger families and improve our public child support system.

I want to thank and commend Senator SNOWE and the other co-sponsors for working with me to present this combined child support/fatherhood legislative package, containing child support provisions that are similar to my legislation, S. 1036, the ''Children First Child Support Reform Act.'' Both my bill and the legislation we are introducing today take significant steps to increase child support collections and to increase the support dollars that are delivered directly—or passed-through—to families involved in the public system.

In Fiscal Year 1998, the public child support system collected child support payments for only 23 percent of its caseload. This means that our nation's children are owed roughly $47 billion in over-due child support. Though every year we collect more, it is clear that our child support system is still not working as it should and that too many children still lack the support they need and deserve.

In 1997, I worked with my State of Wisconsin to institute an innovative program of passing through child support payments directly to families—and they have with great success. Wisconsin has found that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that, overall,

this policy does not increase government costs. That makes sense because ''passing through'' support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

And since 1997, I have worked to promote expansion of this policy to the other states. I contributed to the Administration's child support financing reform consultation process and urged the President to make pass-through expansion part of his budget for fiscal year 2001, which he agreed to do. I also worked to reach consensus on pass-through expansion with the states, children's advocates and fatherhood groups. These efforts led to my introducing bipartisan legislation last year on child support financing reform, S. 1036, that advanced many of the policies and principles incorporated into this legislation. I also testified on child support pass-through policy at a hearing before the Senate Finance Committee on July 25, 2000.

Though we've come a long way since the 1997 beginning of an expanded pass-through program in Wisconsin, we now have a key opportunity to encourage other states to follow Wisconsin's example. A House version of this child support/fatherhood legislation passed the House on September 7th by an overwhelming bipartisan vote of 405 to 18. On September 25th, I sent a letter to the Senate leadership, a letter co-signed by 21 of my Senate colleagues, urging the leadership to take action on child support and fatherhood policy reforms before the end of this legislative session. And it is our goal and my sincere hope that this bipartisan ''Child Support Distribution Act,'' which so closely resembles the House bill, will be approved by the Senate unanimously. This legislation will deliver over $6 billion in increased child support payments to families over the next ten years. And as my 21 Senate colleagues and I emphasized in our letter, we can and should move this legislation this year because our nation's children need and deserve nothing less.

While we all agree that the level of over-due child support is unacceptable, we also know that poor collection rates don't tell a simple story. There are many reasons why non-custodial parents may not be paying support for their children. Some are not able to pay because they don't have jobs or have fallen on hard times. Others may not pay because they are unfairly prevented from spending time with their children.

But other fathers don't pay because the public system actually discourages them from paying. As my colleagues may know, under the current system, nearly $2 billion in child support is retained every year as repayment for public assistance, rather than delivered to the children to whom it is owed. This policy has existed since 1975 when we designed the public child support system to recover the costs of welfare assistance. Once collected, those support dollars are split between the state and federal governments as reimbursement for welfare costs.

Since the money doesn't benefit their kids, fathers are either discouraged from paying support altogether or at least discouraged from paying through the formal system. And on the other side of the equation, mothers have no incentive to push for payment since the support doesn't go to them.

Our ''Child Support Distribution Act,'' just like my ''Children First Child Support Reform Act,'' attempts to address this problem. The legislation reforms child support policy so that families working their way off—or just off—public assistance, keep more of their own child support payments. With this bill, the federal-state child support partnership will embark upon a new policy era with a mission focused both on promoting self-sufficiency, rather than cost recovery, and on making child support payments truly meaningful for families.

We know that creating the right incentives for non-custodial parents to pay support and increasing collections has long-term benefits. People who can count on child support are more likely to stay in jobs and stay off public assistance.

Delivering or passing through child support directly to families would simplify the job for states as well. The states currently devote six to eight percent of what they spend to run the entire child support program—$250 million per year—on distributing collections. This has created an administrative nightmare. Right now, the states divvy up child support dollars into as many as nine pots. Under my proposal, states would have greater freedom to adopt a straightforward policy of collecting child support and delivering it to families, without costly and burdensome regulations.

Moving towards a simpler child support system that puts greater emphasis on getting funds to families is the right and most fair approach —for fathers, mothers, and children, and for all of us interested in making the child support program work. I urge my Senate colleagues to support this legislation this year, and I look forward to our working to deliver more child support resources to the children to whom they are owed so that all our communities benefit from healthier, happier children and stronger, more stable families.

Mr. BREAUX. Mr. President, I would like to express my strong support for the Child Support Distribution Act of 2000 introduced today in the Senate. I would also like to commend my colleagues on their efforts to reconcile the House-passed Child Support Distribution Act, H.R. 4678, with similar bills introduced in the Senate. I agree that it is imperative for the Senate to join the House in passing strong bipartisan legislation to strengthen the child support system and assist low income families by allowing them to retain child support payments. I also believe that it is important to encourage noncustodial fathers to take responsibility for their children's well-being and I am pleased that this legislation includes funding to states to develop programs promoting responsible parenthood.

I feel so strongly about this legislation because of the significance of child poverty in the United States, and particularly in my own State of Louisiana. According to the Children's Defense Fund, there are almost 366,000 children living in poverty in the State of Louisiana, almost 30 percent of the state's children. Over 33 percent of families in Louisiana have no father in the home and 40 percent of babies are born out-of-wedlock. Studies show that children who are raised with no father are five times more likely to live in poverty and twice as likely to commit a crime or commit suicide, as well as more likely to use drugs and alcohol or to become pregnant. It is time to break this cycle of child poverty. Strengthening the child support system, ensuring that money gets into the hands of the families that need it, and supporting programs that encourage responsible parenthood are important steps in addressing child poverty. I am pleased to cosponsor the Child Support Distribution Act and encourage the Senate to act on it this Congress. Thank you for this opportunity to voice my support for this important legislation.

ADDITIONAL COSPONSORS

S. 206

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 768

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 768, a bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of

S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2773

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3050

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3050, a bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor 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. 3119

At the request of Mr. WYDEN, the names of the Senator from Washington (Mr. GORTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3119, a bill to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes.''

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3147

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor 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. 3152

At the request of Mr. ROTH, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3178

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3178, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

AMENDMENT NO. 4303

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Amendment No. 4303 intended to be proposed to S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 147—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 147

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ''; and'' and all that follows through line 10, and insert a period.

SENATE CONCURRENT RESOLUTION 148—TO PROVIDE FOR THE DISPOSITION AND ARCHIVING OF THE RECORDS, FILES, DOCUMENTS, AND OTHER MATERIALS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. MCCONNELL (for himself Mr. DODD, and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

SENATE CONCURRENT RESOLUTION 149—TO CORRECT THE ENROLLMENT OF H.R. 3244

Mr. MACK submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

(1) In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999,''.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

GRAMM (AND ENZI) AMENDMENT NO. 4305

Mr. WARNER (for Mr. GRAMM (for himself and Mr. ENZI)) proposed an amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

''Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking ''August 20, 1994'' and inserting in lieu thereof ''August 20, 2001''.''.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Joseph Reese be allowed floor privileges during this debate.

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

TRIBUTE TO THE LATE CONGRESSMAN HERB BATEMAN

Mr. ROBERTS. Mr. President, I rise on the Senate floor today to pay tribute and to really eulogize one of our colleagues from the House of Representatives and a personal friend. I am speaking of Herb Bateman, the late Congressman from America's First District, the First District of Virginia.

As most of my colleagues know, Herb passed away last month following a rich life of public service, family commitment, and 18 years of distinguished service in the House of Representatives. Herb had announced his retirement last January, and in doing so, he had received well-deserved accolades and awards and letters of appreciation. They were from virtually everyone whose life he touched—and he touched many from all walks of life. I might add, the letters of appreciation and thanks are still being sent to newspapers in his district.

From September 12 through 14, Members of the House paid a very deserved tribute to Herb, and in doing so, really captured the essence of the man. The essence, simply put, is that Herb epitomized integrity in public service. I commend these moving and very accurate portrayals of Herb Bateman to the attention of my Senate colleagues.

Let me also say that the comments by our colleagues in the House also represented a most appropriate segue to the services that were held for Herb in his hometown of Newport News. I am compelled to say that I have never attended services more appropriate, more moving, and more fitting in celebrating the life of someone so respected and so loved. I was privileged to join many of Herb's colleagues and my former colleagues in the House; Senator BUNNING; the distinguished senior Senators from Virginia, Senator WARNER and Senator ROBB; and hundreds of friends and relatives who were in attendance.

There simply wasn't enough room in Our Lady of Carmel Catholic Church in Newport News last September 15 to hold all of Herb Bateman's friends and constituents who joined his wife Laura and their family, yes, to mourn his loss, but also to pay tribute and celebrate his life.

The remarks by Monsignor Michael D. McCarron were not only appropriate and especially uplifting in their religious context, providing Herb and Laura's family and all of us in attendance the strength and faith that we needed, but they also captured with humor and grace the perspective of one's life devoted to public service.

Herbert H. Bateman Jr., ''Bert'' Bateman, eulogized his Dad in moving remarks that only a loving son could give. Bert's eulogy was a gift of solace and comfort to his mother, his family, his sister Laura and her family, to all of the relatives present—and with regard to that special father-son relationship we all would hope for—it was a gift to us all.

The last speaker during the service for Herb Bateman, was his long time Chief of Staff, Dan Scandling. And, it is Dan's eulogy that I am going to ask to be put in the RECORD today.

I do so for a special reason. Dan Scandling's remarks are not only a fitting tribute to his boss, Congressman Herb Bateman, they also speak for all of the Bateman staff members during 18 years of Herb's distinguished service. They speak for Dan, and they speak for his long-time and valued executive assistant, Peggy Haar, and for all of the staffers who served Herb so well during his 18 years in the House of Representatives. After hearing Dan speak, I believe his comments also represent that special relationship that most congressional staff members have with their congressman or their senator.

My appreciation for Dan Scandling's remarks, like others who are privileged to serve in this body, are because I am a former staffer—or as we say in Kansas, a bucket toter, if you will, in my case working for both a Senator and my predecessor in the House of Representatives. In each case, my boss was the Senator or the Congressman. So it was and is for Dan and all of the Bateman staff. They admired and loved him and their work demonstrated that and in turn their work earned the respect and gratitude of the people of America's First District.

I am fond of saying that there are no self-made men or women in public office; that it is your friends who make you what you are. In this respect Herb was indeed a self-made man but also made better by his friends, more particularly his staff. I am also fond of saying you are only as good—in terms of accomplishment and making a difference—as your staff. Herb accomplished much and made a difference.

Dan Scandling captured those thoughts and much more in his moving tribute to his boss, Congressman Herb Bateman. His personal tribute to Laura Bateman, a great lady, was especially appropriate and captured Herb's commitment and love for his wife.

Dan summed up the life of Herb Bateman and his public service attributes as only a trusted aid could do—Herb's credibility, integrity, his hard work and commitment to his fellow man. He also reflects on their personal relationship with honor and affection.

Mr. President, I ask unanimous consent that the eulogy given by Dan Scandling on behalf of his friend, mentor and boss, Congressman Herb Bateman be printed in the RECORD.

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

So many things come to mind when you think of Herb Bateman.

Congressman. State Senator. Colleague.

Statesman. Virginia Gentleman. Devoted Public Servant.

Boss. Golfing Partner. Friend.

And lest no one forget: ''America's First District.''

There also is the much more private side of Herb Bateman.

Husband. Father. Grandfather.

One of the first things that struck me about Mr. Bateman when I came to work for him 10 years ago was his unwavering devotion to Laura.

I can still vividly remember one of the first times she came into the office. We were just wrapping up one of those marathon meetings that all you Members so deeply cherish when Laura walked in.

Herb got up from behind his desk, walked over to her, reached for her hand, gave her a kiss on her cheek and then asked how her day was.

I quickly learned this wasn't just a one-time thing.

Nothing was as important as making sure Laura had had a good day.

I only wish I was half as attentive to the needs of my wife.

Laura was the most important thing in Herb's life. The two were inseparable. Wherever Herb went, Laura went. Whether it was travel overseas, a trip to the Eastern Shore or back and forth to Washington, the two of them were always together.

Laura was very important to Herb's political career—particularly when it came to keeping names and faces straight.

Herb was terrible with names. He always insisted on name tags at every event he hosted.

Laura, on the other hand, is the master of remembering names and faces. No matter where they were, or who they ran into, it is like instant recall. She can always place a name with a face. You politicians in the audience today should be jealous.

I know one certain Chief of Staff who owes his congressional career to Laura because she remembered his name and face.

Bert and Laura, you have no idea how proud your father was of you. Not a day went by that he wasn't telling me about how one of you had gotten a better job, or a promotion, or had landed a big, new account.

Bert, he was particularly proud of your desire—and commitment—to make Newport News a better place to live and work. He was proud that you were willing to give so much of yourself to your community.

And he also was proud of how good a husband—and father—you are.

Laura, nothing brought a bigger smile to your father's face than for him to run into one of his former colleagues from the Virginia Senate and have them tell him how great a job you do in Richmond and beyond.

He was so proud of how successful you have become.

Then there is ''Poppy.'' Herb loved his grandchildren. Emmy, Hank and Sam—you were the apples of his eye.

Just last week he was boasting how Emmy had won a tennis tournament at the club and was so pleased that Hank had taken up running cross country. Every summer I would get the updates on all the ribbons the two of you would win at swim meets.

Hank, I think your grandfather has high expectations from you on the athletic field. I know you won't let him down.

Emmy, I know your ''Poppy'' wishes for you the same success that his daughter has had.

Sam, your ''Poppy'' was so excited about your first day at school. He was looking forward to getting home last weekend to hear all about it first-hand.

I know this week has not been easy. It wasn't supposed to happen this way. I know you feel somewhat cheated because ''Poppy'' was finally going to be able to spend more than just the weekends in Newport News. There would be no more of this nomadic life of leaving for Washington every Monday morning only to return home sometime Friday—then do it all over again two days later.

But look around this church. Look how many people are here. Everyone here loved your ''Poppy.''

It's like one huge ''thank you'' for sharing him with us.

Thank you for all those times he left you—his family—to go work an 80-hour week in Washington;

To go to a parade somewhere at the other end of the District on a Saturday morning;

To go to some god-awful chicken dinner fund raiser;

To go shake hands at the shipyard gates at 6 a.m. on some rain-soaked morning in the dead of winter.

Thank you for sharing him with us. Thank you for the sacrifices you made.

I worked for Herb Bateman for 10 years. Over that time we grew to be pretty close. I think it would probably be fair to say he considered me part of the family.

There aren't too many places in America's First District that he and I haven't been to together, and there aren't too many things we haven't discussed.

Of all the things that have been ingrained in my head over the last 10 years, it's that credibility is everything.

Once you lose your credibility, you lose everything. If people cannot take you at your word, then your word is nothing.

Perhaps that explains why he was such an effective legislator, and why when he announced his retirement last January, letters, faxes and e-mails poured into his office thanking him for his dedicated service.

He got letters from Admirals, Generals, captains of industry and politicians on both sides of the aisle. He got letters from longtime friends and associates. And most significantly, he got letters from hundreds of his constituents. All them were effusive in their praise.

Credibility meant everything to Herb Bateman. I know that first hand. I know it guided each of his decisions, whether it was on a controversial issue before Congress or a contentious political issue.

He would have been pleased to hear how his colleagues described him during Tuesday evening's tribute on the floor of the House.

I couldn't help but smile as I saw Member after Member get up and talk about his integrity.

Perhaps Congressman Burton said it best:

''Herb was a man, who if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity—impeccable integrity—and one that all of us respected.''

More than anything else—any aircraft carrier, any submarine, any bridge, any Corps of Engineers' project—Herb would want to be known for his integrity.

Obviously, he has.

Herb had two vices in life. A good steak, and golf.

Man, did he love a good steak. New York Strip. Medium rare.

He always ordered french fries with his steak—extra crisp, please or potato sticks if you have them.

If I was invited over to Shoe Lane for dinner it usually meant a good steak on the grill—and potato sticks!

If I was invited out for a steak in Washington, it usually meant someone in the office was in trouble.

I used to cringe when he would come up behind me, put his hand on my shoulder and say, ''Dan, let's go have a steak.''

He always enjoyed his meal. I can't say the same.

The there was golf. Next to Laura, golf was his passion.

Like most us, he wasn't very good, but that didn't matter. He just loved to play. He loved being outdoors. He loved meeting new playing partners.

And he loved mulligans!

Herb played golf to relax. He didn't talk about work on the golf course. He didn't take a cell phone. He never carried a pager. Golf was for fun. If you were on the golf course, you were there to enjoy yourself.

If Herb were ever elected President, I bet one of the first things he would do would be to issue an Executive Order prohibiting cell phones on the golf course.

For all those golfers here today, I have one special request. The next time you play golf, as tribute to Herb, leave your cell phones and pagers in the car.

Take the time to relax and enjoy the people you are playing with. I have made a promise to myself never to take a cell phone with me on the golf course again. I hope I can live up to it.

Oh, and take a couple of mulligans too.

I want to close by touching on some of the things that Herb did that no one knew about, that never made any headlines, that never got him a vote.

Herb liked helping people. He always stressed to his staff that constituent service was the most important part of his job—and their job.

He always reminded us that he worked for the people of America's First District and it was his job to help them when they had a problem.

I could recount hundreds—if not thousands—of cases where Herb got personally involved. One that always comes to mind involved a woman from Williamsburg whose husband had died and was buried in Arlington Cemetery. The woman's husband had been an Air Force pilot and she asked that he be buried in the section in Arlington where you could have different types of tombstones.

Soon after his funeral she went about designing a tombstone that she thought would be a fitting tribute. The cemetery approved the design and she had the stone carved. When the store arrived at the cemetery several weeks later, cemetery officials did a complete 180 and told her she couldn't use the stone.

Somehow, a columnist at the Washington Post caught wind of the situation and a story appeared in the paper. Herb saw it and asked me what I knew about it. After a few quick calls, it was evident the woman hadn't contacted us. But to Herb, that didn't matter.

Within a matter of minutes, Herb, me and another staffer were in a car headed over to Arlington. We drove through the cemetery where the woman's husband was buried, got out looked at some of the other tombstones then headed back across the river.

Upon returning to the office, Herb immediately called the Superintendent at Arlington and presto, the issue was resolved.

When I called the woman to tell her the cemetery officials had relented, I asked why she didn't call us. She said she didn't want to burden the Congressman with her problem.

To Herb, it wasn't a bother; it was a pleasure. It was all about helping the people he represented.

The Congress has lost more than an outstanding Member, it has lost a warm, caring individual who served his nation with great honor and distinction.

God bless Herb, his family, and America's First District.

Mr. ROBERTS. Mr. President, I commend his remarks to all Senators and more especially all staff in both the House and Senate. It captures that special relationship—the analogy might be—my boss, right or wrong—my boss. In the case of Herb Bateman and Dave Scandling the rightness of their work was 100 percent—there was no wrong.

In closing, I would like to quote Helen Steiner Rice to Laura Bateman, to the family, to the staff, and to the friends and constituents of Herb Bateman, my friend.

When I must leave you for a little while,
Please go on bravely with a gallant smile
And for my sake and in my name,
Live on and do all things the same—
Spend not your life in empty days,
But fill each waking hour in useful ways—
Reach out your hand in comfort and in cheer,
And I in turn will comfort you and hold you near.

I would be happy to yield to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I simply want to say to my very dear friend, I ask that I be associated with his remarks. It was a privilege to be on the floor at the time the Senator from Kansas delivered his remarks. In my 22 years in this great institution, the Senate, I have never known a Member of

Congress who tried harder to work on personal relationships than my good friend from Kansas.

He is so respected in this institution, as he was in the House. To have him stand in tribute to one of our mutual friends of long standing for all of these years I have been in the Senate—I think maybe Herb's 20 years versus my 22 years. Whatever it is, it is inconsequential. I worked with him.

I was so pleased to go down to visit his lovely wife and his children. I have seen his children grow, as the Senator from Kansas has, and I was privileged to be at the service with the Senator and some others from the Congress of the United States. What a fine, fine person he was, and most deserving of the outpouring of heartfelt expressions at that memorial service. I spoke to his widow not too long ago. She is a woman of great strength, as are the children, and it will carry on.

I would like to work with my colleague and other Members of the House and the Senate at the appropriate time—which I think will have to be next year—to name something related to defense in honor of our most recently departed colleague and friend.

I thank the Senator.

Mr. ROBERTS. Mr. President, I thank the distinguished chairman, my friend and colleague, for his comments.

I wasn't planning on doing this. But I might just provide the chairman with a reflection. As he knows, we were in conference on the Defense authorization bill—the bill we are trying to get finished here. It is so essential to our Nation and our national security. There was not anybody in Congress who worked harder or who was more effective in regard to national security than our dear friend, Herb Bateman.

The Subcommittee on Emerging Threats on the Senate side, of which I am accorded the privilege of being the chairman, was meeting with several other subcommittee chairmen because the House does not follow suit in terms of our organization or duties and we think the Emerging Threats Subcommittee, which was largely formed out of the leadership of the distinguished chairman, encompasses so many different things that are so important to our national security. We were meeting in conference. The distinguished gentleman from the First District of Virginia came in, and he was a tad late. The only amendment we had that was still outstanding was the Bateman amendment. I asked Herb if it was a little late for his tee time. He laughed and said: No, not today but tomorrow.

I informed all those present that the Senate had strong feelings about Mr. Bateman's amendment—very strong feelings—and, despite that, we would accept the amendment under one reservation. Herb was a little concerned because it was a very fine amendment. He looked at me and said: Well, Mr. Chairman, PAT, friends and colleagues from the House, what would that reservation be? I said: Only if we call your amendment the ''Herb Bateman Common Sense Amendment.'' Obviously, it was agreed to and passed.

That was on a Thursday. We lost Herb over that weekend—something I could not believe as I came to work on Monday. But as I reflect back on that, it was probably his last amendment, and it was ''common sense,'' as he always stood for.

So from that standpoint, I think the distinguished chairman's suggestion about what we do in the next Congress is most appropriate. I appreciate his contribution.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I might say to my good friend, Herb and I played a game of golf, which he dearly loved. He had his priorities—his family, his church, and work in Congress. He was the only man I played with, as others have, and whom I ever knew of, who could miss a 2-foot putt and still walk off the green with a smile on his face. He always said, well, tomorrow, or the next putt on the green, it will be a better day. But that was the sort of wonderful, even-tempered, absolutely beautiful man he was in terms of his character.

I thank my colleague. I have enjoyed these few moments. He loved the Navy. He loved everything connected with the sea and maritime. How many times we heard him give the speech: And I'm the Congressman from the First Congressional District.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

DEBT REDUCTION AND SPENDING CUTS

Mr. VOINOVICH. Mr. President, in a few short weeks, it will have been two years since the people of Ohio elected me to represent them in the United States Senate. One of the main reasons I wanted to serve in this body was to have an opportunity to bring fiscal responsibility to the nation's capital and eliminate the gigantic debt burden that we have put on the backs of our children and grandchildren.

As my colleagues know, for decades, successive Congresses and Presidents spent money on things that, while important, they were unwilling to pay for, or, in the alternative, do without. In the process, Washington ran up staggering debt, and mortgaged our future.

Today, we have a $5.7 trillion national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest.

Out of every federal dollar that is spent, 13 cents will go to pay the interest on the national debt. Think of that. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

As the end of the 106th Congress draws near, I look back with mixed feelings at the actions that this Congress has made towards bringing our financial house in order. While we have made some strides in paying down the national debt, there is a lot more that we could have done. For example, we could have done a much better job of reining-in federal spending. Regretfully, we have done the opposite.

What many Americans don't realize is the fact that Congress increased overall non-defense domestic discretionary spending in fiscal year 2000 to $328 billion. That's a 9.3 percent boost over the previous fiscal year, and the largest single-year increase in non-defense discretionary spending since 1980.

In an effort to bring spending under control, my friend, Senator ALLARD, and I offered an amendment this past June to direct $12 billion of the FY 2000 on-budget surplus dollars toward debt reduction. While that amendment passed by a vote of 95–3, the victory did not last long—all but $4 billion of that $12 billion was used for other spending in the Military Construction Appropriations Conference Report.

Nevertheless, we have had reason to celebrate some good news. Just last year, many of us fought to ''lock box'' Social Security. In spite of the fact that many of my colleagues on the other side of the aisle defeated the bill, Congress did, though, for the first time in three decades, not spend a dime of the Social Security surplus.

I have to say that I take great offense at the fact that the Vice President is out there taking credit for ''lock boxing'' Social Security and Medicare. My colleagues—and indeed the American people—should be aware that, in fact, it was this administration—the Clinton-Gore administration—that sent a veto threat to the Senate regarding the Abraham/Domenici Social Security ''lock box'' amendment that we considered in April of 1999.

Here is the direct quote from that veto threat: ''. . . If the Abraham/Domenici amendment or similar legislation is passed by the Congress, the

President's Senior Advisors will recommend to the President that he veto the bill.'' I would presume that the term ''Senior Advisors'' would include the Vice President.

Although Congress has agreed by consensus not to use the Social Security surplus for more spending, Congress, still has not been able to pass ''lock box'' legislation. And because Congress has not passed a ''lock box'' bill, I am fearful that if things get tight in the future, Congress will revert to its old ways.

Probably the best news from fiscal year 2000 is that despite spending roughly $20 billion of the on-budget surplus this past summer, Congress did not touch the additional $60 billion on-budget surplus that CBO announced in July. In other words, when fiscal year 2000 came to an end on September 30th, that $60 billion on-budget surplus had not been spent nor used for tax cuts. Instead, it will go towards reducing the national debt.

When on-budget surplus funds are used to lower the debt, it sends a positive signal to Wall Street and to Main Street that the federal government is serious about fiscal discipline. It encourages more savings and investment which, in turn, fuels productivity and continued economic growth.

All the experts say that paying down the debt is the best thing we could do with our budget surpluses. Indeed, CBO Director Dan Crippen said earlier this year: ''most economists agree that saving the surpluses and paying down the debt held by the public is probably the best thing that we can do relative to the economy.''

I would like to say Mr. President, in the last month or so, I have had the opportunity to meet with director Crippen in my office a couple of times, including, most recently, this morning. He said that the only way we were going to be able to deal with the wave of Social Security and Medicare benefits that we will have to pay when the ''baby boomers'' start to retire, is to reform Social Security and Medicare, and most important, we should undertake policies that encourage a robust, growing economy. And as far as I'm concerned, paying down the national debt is the best way that we can foster a robust growing economy.

Mr. President, in today's Washington Post, columnist David Broder, touched on this same theme in reporting about the need to exhibit fiscal responsibility. In case my colleagues have not read the article, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. VOINOVICH. In addition, just yesterday, the Congressional Budget Office released its report, entitled ''The Long-Term Budget Outlook.''

That report states that, ''projected growth in spending on the federal government's big health and retirement programs—Medicare, Medicaid and Social Security—dominates the long-run budget outlook. If current policies continue, spending is likely to grow significantly faster than the economy as a whole over the next few decades. By 2040, CBO projects those outlays will rise to about 17 percent of gross domestic product—more than double their current share.''

The report goes on to say, '''saving' most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down debt—would have a positive impact on the projections and substantially delay the emergence of a serious fiscal imbalance.''

I believe that each of my colleagues should read this report because it might make them consider the consequences of all the spending that's going on in this body and help make the argument for more fiscal restraint in these last days of the 106th Congress. Therefore, Mr. President, I encourage my colleagues to look up the CBO report, ''The Long-Term Budget Outlook,'' at the CBO website, www.cbo.gov.

Mr. President, I am a firm believer in the phrase, ''prepare for tomorrow, today,'' and I believe that anytime we have an opportunity to enhance our future economic position, we cannot squander that opportunity. That is why I am deeply disappointed that the Senate is not going to consider the Debt Relief Lock-Box Reconciliation Act for Fiscal Year 2001, H.R. 5173. This is a bill that passed in the House of Representatives by a vote of 381–3, and which would have taken 90 percent of the fiscal year 2001 surplus and used it strictly for debt reduction.

As my colleagues know, the Congressional Budget Office has projected that in fiscal year 2001, the United States will have a surplus of $268 billion, including an on-budget surplus of $102 billion.

Under H.R. 5173—or the ''90–10'' bill as it has been called—$240 billion of the $268 billion projected surplus would go toward paying down the national debt. By using such a substantial amount of the surplus for debt reduction, Congress would be officially ''lock boxing'' not only the Social Security surplus, but the Medicare surplus as well. Thus, some $198 billion—the amount CBO predicts—will be in surplus for those two funds.

In addition to ''lock-boxing'' Social Security and Medicare, the legislation would appropriate $42 billion of the fiscal year 2001 on-budget surplus projection toward debt reduction.

The remaining 10 percent—or $28 billion—would be divided and used to cover whatever tax cuts or necessary and reasonable spending increases that needed to be made.

Even though it is not perfect legislation, I support H.R. 5173, because in my view, it is the best chance for Congress this year to make another significant payment on the national debt while keeping a tight lid on spending. Unfortunately, the ''90–10'' bill has never achieved the same kind of support here in the Senate as it did in the House, and therefore, the types of controls the bill would have put on spending will not be enacted in the Senate.

Instead, I fear that with the end of session ''rush to get out of town,'' Congress and the President are engaged in a spending spree the likes of which we haven't seen since LBJ's Great Society. While I am concerned that the President wants additional spending, I am particularly alarmed at the fact that many of my colleagues are trying their hardest to outspend the President. Under this scenario, it's no wonder H.R. 5173 never had a chance.

Although we have not yet passed all of the fiscal year 2001 appropriations bills, the amount that spending has increased in the bills that have been passed is quite disturbing: particularly when compared to the Consumer Price Index, which is 2.7 percent.

For instance, the fiscal year 2001 Energy and Water appropriations bill that was just vetoed spends 12 percent more than its FY 2000 counterpart; the FY 2001 Interior appropriations bill represents a 26 percent increase; and the FY 2001 Transportation appropriations bill that we passed last Friday increased its discretionary spending by about 25 percent. So far, Congressional spending in fiscal year 2001 is on-track to make the 9.3 percent fiscal year 2000 non-defense discretionary spending increase look like ''chump change.''

I would like to say to the citizens of Ohio that there are many good things in those bills that I would have liked to support, but spending increases of this kind are just outrageous.

What we should have been doing with these appropriations bills is prioritizing our spending and living within the budget resolution that we passed in the beginning of the year. Maybe I should ask my colleagues, if we are not going to live within the parameters of the budget resolution, then why did we spend to much time on it?

If, when I was Governor, I had ever gone to the Ohio legislature and told them I wanted to increase the budget by 25 or 26 percent, they would have impeached me. The editorial writers would have said I had gone crazy, especially when my mantra when I came into office was, ''gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter and do more with less.''

And Mr. President I hate to think what the voters would have done to me.

Many of my colleagues do not seem to consider that each separate appropriations bill adds-up. There is no sense of concern that one particular appropriations bill increases its spending from FY 2000 by 20 percent, because it's only $2 billion to $3 billion more than last year. Or, some may say we need to spend an extra billion dollars or so on this or that program because we have a huge surplus and we can afford it.

In a $1.7 trillion overall budget, I can see how someone may got caught up in that logic.

However, in the words of Everett Dirksen:

A billion here, and a billion there, and pretty soon you're talking about real money.

It is all real money—real taxpayer's money. Congress and the President have got to admit that we cannot fund everything that we want. We have got to make hard choices with respect to spending if we are ever going to bring our debt under control.

The American people know that the spending Congress is engaged in right now must be accounted for somewhere, because they know there is no such thing as a free lunch. They know that ultimately they are the ones paying for what I like to refer to as a Congressional ''feeding frenzy.''

They want us to make the hard decisions and most of all, they want us to pay down the national debt. When I go home to Ohio my constituents say to me: Senator, we want you to pay down the national debt.

On one other last note, Mr. President—if you take the 9.3 percent increase in non-defense discretionary spending from fiscal year 1999 to fiscal year 2000, and the rate of increase projected in the fiscal year 2001 budget, we are blowing a big hole in the CBO 10 year projected budget surplus.

The 10 year CBO budget surplus is predicated on a 2.7 percent increase in Federal spending over 10 years.

We must remember that the on-budget surplus also includes the Medicare surplus, and if we are ever successful at passing Medicare ''lock box'' legislation, those funds will be off the table for spending. Consider also the Medicare giveback which we must have to stabilize this country's healthcare system which will also take part of the 10 year budget surplus; a prescription drug benefit that everyone agrees we must implement which will also take part of the 10 year budget surplus; we must spend more money to stabilize and improve our national defense which will also take part of the 10 year budget surplus.

If you add up all of the numbers, including appropriations bills that have passed and those that are anticipated to pass and include the projected $200 billion worth of tax reductions for the next 10 years, as well as the additional interest costs generated by Congress' spending and reducing taxes, then Congress will have reduced the 10 year projected budget surplus by some $750 billion. Let's not let that happen.

If Congress intends to spend money on implementing programs, we need to tighten our belts on our current spending and not squander our on-budget surplus on the kinds of wasteful spending included in the various fiscal year 2001 appropriations bills. We cannot forget that we are facing a Social Security and Medicare funding crisis in the near future, and if we can't prioritize our spending now, we will not be able to keep these programs solvent at their current level of benefits. The young people here who are pages will have that burden right on their backs.

That's why I believe the best course of action we can take is to use whatever on-budget surplus we achieve to pay down the national debt.

For three decades, we borrowed from our children, mortgaging their future for our present. And now, when times are good and we have the most ideal situation to set things right, we cannot continue down the same flawed path as before. Have we learned nothing?

Our current economic situation is our second chance to pay our children what we owe and ensure fiscal solvency for future generations. We have an obligation to our children—indeed, a moral obligation—to pay down the national debt and rein-in our spending in order to give them back their competitive edge. If we do not act now, I fear we will not get another chance to do the right thing.

EXHIBIT 1

[From the Washington Post, Oct. 11, 2000]

HEEDLESS OF THE DEFICITS AHEAD

(By David S. Broder)

On the morning after last week's vice presidential debate, Charles O. Jones, the University of Wisconsin political scientist and scholar of the presidency, remarked that the nation had witnessed ''a great civic event,'' a civil, substantive discussion of serious policy matters between two highly competent public officials, Joe Lieberman and Dick Cheney.

In fact, Jones said, ''we are having a good election, something you don't often get in good times.'' Contrast the contest being waged by Al Gore and George W. Bush, he went on, with the last race conducted in a healthy economy and at a time when no incumbent president was on the ballot.

That would be 1988, when the father of the current Republican nominee squared off, as vice president, against Massachusetts Gov. Michael Dukakis. If the winning campaign of 1988 is remembered at all, the enduring images are the flag factories the elder George Bush visited in an implicit challenge to Dukakis's patriotism and the Willie Horton ads his supporters aired. And the hapless Democratic effort was symbolized by Dukakis's tank ride and his lame, emotionless answer to Bernard Shaw's question about how he would respond if someone raped and murdered Kitty Dukakis.

We've come a long way from that, with the four nominees for president and vice president arguing about such genuinely important topics as defense, education, Social Security and health care.

But before we get too giddy in celebrating our good fortune, let it be noted that historians are almost certain to remark on the purposeful myopia of the candidates in this first election of the new millennium, their deliberate refusal to acknowledge and discuss one of the biggest realities of our national life: The glorious federal budget surpluses they are happily parceling out for their favorite programs and tax cuts are a short-term phenomenon, soon to be followed by crippling deficits, unless we make some hard choices in the next few years.

In this respect, the 2000 campaign is reminiscent of 1988—but worse. In that year, Dukakis and the elder Bush avoided discussing the savings and that year, Dukakis and the elder Bush avoided discussing the savings and loan crisis both of them knew was around the corner. The reason: There were no easy answers, just bad news and an expensive bailout in store.

What we now confront is much, much bigger than the savings and loan bailout. Its dimensions were outlined last week in a report from the nonpartisan Congressional Budget Office (CBO)—a report that did not make the front page of any of the papers I read and that was ignored by most of the TV news shows.

Here's what it said: Assuming that the new president uses the expected surplus in Social Security of $2.4 trillion over the next 10 years to pay down the national debt, as Gore and Bush say they will do, the government may be able to balance its books until about 2020.

But then the retirement and health care costs of the huge baby boom generation and the shrinkage in the number of Americans working and paying taxes will once again create a serious imbalance—and push us back into debt.

In the estimate of the CBO, ''If the nation's leaders do not change current policies to eliminate that imbalance, federal deficits are likely to reappear and eventually drive federal debt to unsustainable levels.'' A chart accompanying the report shows the public debt in 2040 rising to 60 percent of the estimated size of that year's economy—creating a burden on the next generation of Americans half again as large as the accumulated debt of the past is on us.

As The Post's Glenn Kessler noted in his news story, ''The report underscores how campaign rhetoric has become increasingly separated from the budget reality that will face the next president.'' While Bush pushes his trillion-dollar tax cut and tries to keep up with Gore's promises of new prescription drug benefits, 100,000 teachers and 50,000 cops, neither one is preparing the public for the steps that are needed to rein in runaway health care costs—the largest single force driving us back into deficits.

By 2040, according to the best available data, the percentage of Americans over 65 will rise from 13 percent to almost 21 percent. The share of working-age Americans, between 20 and 64, will decline by 3 points of slightly over 55 percent. The ratio of workers to retirees will drop from almost 5 to 1 down to less than 3 to 1. Unless we begin now to reorganize our dysfunctional health care system and take steps to rationalize provisions for retirement income, the demographic wave will sink us.

Someone has to force the candidates to confront that reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000: The Senator from Iowa, Mr. GRASSLEY; the Senator from Arkansas, Mr. HUTCHINSON; the Senator from Maryland, Mr. SARBANES, and the Senator from Maryland, Ms. MIKULSKI.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4259, 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. 4259) to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. 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 any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4259) was read the third time and passed.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5239 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. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4305

Mr. WARNER. Mr. President, Senators GRAMM and ENZI have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself and Mr. ENZI, proposes an amendment numbered 4305.

The amendment is as follows:

(Purpose: To provide for a simple one-year extension of the Export Administration Act of 1979)

Strike all after the enacting clause and insert in lieu thereof the following:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking ''August 20, 1994'' and inserting in lieu thereof ''August 20, 2001''.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, 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 amendment (No. 4305) was agreed to.

The bill (H.R. 5239), as amended, was read the third time and passed.

PROVIDING FOR DISPOSITION AND ARCHIVING OF RECORDS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 148, submitted earlier today by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 148) to provide for the disposition and archiving of the records, files, documents, and other materials of Joint Congressional Committees on inaugural ceremonies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, earlier this year the Joint Congressional Committee on Inaugural Ceremonies held an organizational meeting to officially begin preparations for the next Presidential Inauguration hosted by Congress to be held on Saturday, January 20, 2001.

Next year marks more historic milestones as it will be the 200th anniversary of the first Presidential Inauguration in our Nation's Capital, the first Presidential Inauguration of the 21st Century, and, not least of all, the first inauguration of the new millennium. 2001 also marks the 100th birthday of the Joint Congressional Committee on Inaugural Ceremonies, an entity which I am greatly honored to serve as Chairman.

As we approach adjournment for this Congress, let us look forward with great anticipation and excitement to our Nation's 54th Presidential Inauguration and celebrate this remarkable American tradition in which the peaceful transference of power takes place with all our citizens as witnesses.

In 1789, our Nation's Father and first President, George Washington, recited the oath of office on the Balcony of Federal Hall in New York City. By 1801, the seat of the U.S. Government had moved from New York City, to Philadelphia, and finally to Washington, D.C.

On March 4, 1801, Thomas Jefferson became the first President to be inaugurated at the U.S. Capitol in Washington, D.C., in a room now known as the ''Old Supreme Court Chamber.'' In 1829, Andrew Jackson became the first President to be inaugurated on the East Front of the Capitol, where the majority of swearing-in ceremonies continued to take place until the late twentieth century. It was not until President Ronald Reagan's inauguration on January 20, 1981, that the swearing-in ceremony moved to the West Front of the Capitol where larger crowds could be accommodated. Though below-freezing temperatures in 1985 forced the second Reagan inaugural ceremony inside to the Capitol Rotunda, the West Front set the standard for the next three Congressionally hosted ceremonies. The 2001 Presidential inaugural ceremonies will continue that tradition.

It is interesting to note that until 1901 the Presidential inaugural ceremonies were planned and conducted solely by the Senate. A century later, the Joint Congressional Committee on Inaugural Ceremonies brings together the Senate and the House of Representatives in welcoming America's President-elect to the Capitol for the public swearing-in ceremony.

Upon undertaking this endeavor, it became apparent that steps needed to be taken to direct that the important historic materials generated by the JCCIC were preserved. For a committee reconstituted every four years, these documents are critical tools for conducting this massive quadrennial event. To ensure these materials are preserved in an appropriate manner, I am introducing a resolution to establish the procedures for archiving the records of the Joint Congressional Committee on Inaugural Ceremonies.

Mr. President, I ask unanimous consent that a press release which documents the May 24 organizational meeting of the Joint Congressional Committee on Inaugural Ceremonies and the text of Senate Concurrent Resolutions 89 and 90 be printed in the RECORD.

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

U.S. SENATOR MITCH MCCONNELL NAMED CHAIRMAN OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

WASHINGTON, DC.—U.S. Senator Mitch McConnell (R–KY), Chairman of the Senate Committee on Rules and Administration, today was appointed Chairman of the Joint Congressional Committee on Inaugural Ceremonies.

Joining McConnell on the committee are Majority Leader Trent Lott (R–MS), Senator Christopher Dodd (D–CT), Speaker of the House J. Dennis Hastert (R–IL), House Majority Leader Richard Armey (R–TX) and House Minority Leader Richard Gephardt (D–MO).

The members met today and appointed McConnell as the Chairman of the Joint Congressional Committee, approved the committee's budget and selected the West Front of the Capitol for the location of the ceremony. McConnell is the third Kentuckian to Chair the Congressional Committee since it was formed in 1901.

''I am truly honored to have been selected as Chairman of this Congressional Inaugural Committee,'' said McConnell. ''I look forward to the extraordinary privilege of planning the first Presidential Inauguration of the 21st century.''

The JCCIC is charged with the planning and execution of the Inaugural activities at the Capitol: the swearing-in ceremony and the traditional luncheon which follows.

The Presidential Inauguration will be held Saturday, January 20, 2001.

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee'') consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United states Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 148) was agreed to, as follows:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 727, S. Con. Res. 131.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A bill (S. Con. Res. 131) commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment, amendments to the preamble, and an amendment to the title.

(Omit the part in bold face brackets and insert the part printed in italic.)

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February **[1999]** *1989*, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, **[1999]** *1989*, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, **[1999]** *1989*, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that **[lead]** *led* to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

Amend the title to read as follows: ''Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes.''.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed to, and the resolution, as amended, be

agreed to, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to this resolution be printed in the RECORD.

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

The amendment to the resolution was agreed to.

The resolution (S. Con. Res. 131), as amended, was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1989, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, 1989, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1989, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

The title was amended so as to read: ''Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.''

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2917, 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 (S. 2917) to settle the land claims of the Pueblo of Santo Domingo.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2917) was read the third time and passed, as follows:

S. 2917

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 ''Santo Domingo Pueblo Claims Settlement Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board ''ignored an express congressional directive'' in section 14 of the Pueblo Lands Act, which ''contemplated that the Pueblo would retain title to and possession of all overlap land''.

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which

would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERALLY ADMINISTERED LANDS.—The term ''federally administered lands'' means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) FUND.—The term ''Fund'' means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) PUEBLO.—The term ''Pueblo'' means the Pueblo of Santo Domingo.

(4) SANTO DOMINGO PUEBLO GRANT.—The term ''Santo Domingo Pueblo Grant'' means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior unless expressly stated otherwise.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.—

(1) EXTINGUISHMENT.—

(A) IN GENERAL.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) CLAIMS.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the ''sliver area'' and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the ''Pueblo of Santo Domingo Land Claims Settlement Fund''. Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

MEASURE READ THE FIRST TIME—S. 3187

Mr. WARNER. Mr. President, I understand that S. 3187 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3187) to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

Mr. WARNER. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH. Mr. President, over the past several months, the Finance Committee has been focusing its oversight attention on an urgent problem in the Medicaid program related to the use of upper payment limits to exploit federal Medicaid spending. The Health Care Financing Administration, HCFA, had assured me that it would solve the problem. It has not.

Instead, last week HCFA released a notice of proposed rulemaking that sanctions the de facto abuse of this vitally important program—a program that provides health care coverage to 40 million low-income pregnant women, children, individuals with disabilities, and senior citizens. This Administration has failed to live up to its responsibility to protect the financial integrity of the Medicaid program. Accordingly, I am introducing legislation today to do the right thing and stop the draining of potentially tens of billions of dollars from this program for our most vulnerable citizens.

The problem confronting the program is a complicated one. Through the inappropriate use of aggregated upper payment limits, some states have been using the Medicaid program inappropriately, including for purposes such as filling in holes in state budgets. This has turned a program intended to provide health insurance coverage to vulnerable populations into a bank account for state projects having nothing to do with health care.

In fact, as I examine the current situation I am vividly reminded of the Medicaid spending scandals we confronted 10 years ago when disproportionate share hospital program dollars were used to build roads, bridges and highways. Let me be very clear—this cannot be permitted to continue without endangering the program.

The use of this complicated accounting mechanism may seem dry and technical—but let me assure you that the consequences are enormous. If unchecked, both the General Accounting Office and the Office of Inspector General at the Department of Health and Human Services agree that we face a situation that fundamentally undermines the fiscal integrity of the Medicaid program and circumvents the traditional partnership of financial responsibility shared between the federal and state governments.

I have been advised that what states are doing through upper payment limits is technically not illegal. The states are taking advantage of a loophole in HCFA regulations. It is time to close that loophole fully.

We must act because nearly 40 million of the neediest Americans rely on Medicaid for needed health care services. It is nothing short of a safety net. The program must not be undermined and weakened by clever consultants and state budgeters. What looks like loopholes to some are holes in Medicaid safety net for 40 million Americans.

Several months ago, I began working with the Administration to respond to this scandal. We must stop it in its tracks—while of course at the same time working thoughtfully and carefully with those states that have become dependent on the revenues generated through the use of upper payment limits to help them transition to a more sustainable payment relationship between the state and federal government.

Finally, last week, after repeated delays, this Administration released its notice of proposed rulemaking—in a form much weaker than it originally intended when I first started working with HCFA on this problem last spring. The proposed regulation is inadequate. Instead of stopping a burgeoning Medicaid spending scandal, the proposed regulation looks the other way and tolerates the abuse of the program.

The proposed regulation permits facilities to be reimbursed for providing services at a rate one and a half times that Medicare would have paid for a given service. Then states are free to pocket the difference between the payment level and the often much lower Medicaid payment rates through intergovernmental transfers. Not only does the regulation allow those who are exploiting the program to continue to do so, it also invites all others to come in and help themselves. The regulation permits the scam to continue while only modestly attempting to contain its magnitude.

Simply containing wasteful spending is not sufficient. The American taxpayer who pays the bills should not stand for it, nor should the beneficiaries who depend on the program. In fact, the Center on Budget and Policy Priorities, whose advocacy on social policy issues is well-known, agrees that the scam must be shut down or the long-term health of the program will be jeopardized.

Not only does the proposed regulation fail to protect the financial integrity of the Medicaid program, it also has a very low probability of ever being implemented. There is virtually no chance this Administration will be able to finalize the proposed regulation before it leaves office in January. Until the regulation is finalized, nothing changes. No abuser state has to modify its behavior one bit, and more and more states will be under pressure to take advantage of the windfall their neighbor states are enjoying. If anything, the White House action may spur greater abuse in the Medicaid program.

The Congressional Budget Office estimates that truly solving the problem will save taxpayers $127 billion over the next decade. the stakes are high and we owe it to the 40 million Medicaid beneficiaries to protect the program so it remains strong and viable for the years to come.

Accordingly, today I am introducing legislation that does what HCFA should have done but failed to do. My bill does not sanction abuse—it stops it. It closes the loophole, and treats non-state governmental facilities the same way state facilities are already treated. For those states with upper payment limits approved by HCFA already in place, it gives them two years to fully transition into compliance with the law. But no longer will schemes to exploit federal funding be tolerated. Even if HCFA is willing to look the other way, I am not. We must think about the long-term interests of the program and act now to stop the abuse. We should save the safety net for those that depend on it and save $127 billion over the next decade for he American taxpayer at the same time.

CORRECTING THE ENROLLMENT OF H.R. 3244

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Con. Res. 149) was agreed to, as follows:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction.

(1) In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999.''.

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 905, H.R. 3069.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with amendments, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 3069

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 ''Southeast Federal Center Public-Private Development Act of 2000''.

SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.

In this Act, the term ''Southeast Federal Center'' means the site in the southeast quadrant of the District of Columbia that is under the control and jurisdiction of the General Services Administration and extends from Issac Hull Avenue on the east to 1st Street on the west, and from M Street on the north to the Anacostia River on the south, excluding an area on the river at 1st Street owned by the District of Columbia and a building west of Issac Hull Avenue and south of Tingey Street under the control and jurisdiction of the Department of the Navy.

SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AUTHORITY.

(a) IN GENERAL.—The Administrator of General Services may enter into agreements (including leases, contracts, cooperative agreements, limited partnerships, joint ventures, trusts, and limited liability company agreements) with a private entity to provide for the acquisition, construction, rehabilitation, operation, maintenance, or use of the Southeast Federal Center, including improvements thereon, or such other activities related to the Southeast Federal Center as the Administrator considers appropriate.

(b) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall have as its primary purpose enhancing the value of the Southeast Federal Center to the United States;

(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office space in a facility covered under the agreement;

(4) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of any lease of the facility to the United States;

(5) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(6) shall provide—

(A) that the United States will not be liable for any action, debt, or liability of any entity created by the agreement; and

(B) that such entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

(c) CONSIDERATION.—An agreement entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under such an agreement may be provided in whole or in part through in-kind consideration. In-kind consideration may include provision of space, goods, or services of benefit to the United States, including construction, repair, remodeling, or other physical improvements of Federal property, maintenance of Federal property, or the provision of office, storage, or other usable space.

(d) AUTHORITY TO CONVEY.—In carrying out an agreement entered into under this section, the Administrator is authorized to convey interests in real property, by lease, sale, or exchange, to a private entity.

(e) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods, or services by the General Services Administration on property that is subject to an agreement under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL **[**CAPITOL**]** *CAPITAL* PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, *in consultation with the National Capital Planning Commission*), with the objectives of the National Capital Planning Commission's vision plan entitled ''Extending the Legacy: Planning America's Capital in the 21st Century'', adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on [Environment and Public Works] *Governmental Affairs* of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term ''net proceeds from an agreement entered into under section 3'' means the proceeds from the agreement minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (H.R. 3069), as amended, was read the third time and passed.

CERTIFICATION OF MEXICO

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 366 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 366) expressing the Sense of the Senate on the certification of Mexico.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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; and

Whereas United States-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, That (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; and

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of United States 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.

Mr. WARNER. Mr. President, before entering the closing statement, I yield to the distinguished Democratic assistant leader.

Mr. REID. Mr. President, I was off the floor. I appreciate very much the patience of my friend, the Senator from Virginia. I know he wanted to vacate the premises more than an hour ago. I am confident early in the morning we will be able to enter into an agreement relating to his bill.

Mr. WARNER. That would be the DOD conference on authorization.

Mr. REID. We are getting close to that. I apologize for not being able to do that tonight.

Mr. WARNER. No apology is needed. This bill has had a unique course through the Senate. I know of no one who has tried harder on a procedural basis to see that this bill has forward momentum than our distinguished colleague from Nevada. I hereby express my profound respect and thanks to him.

Mr. REID. I already bragged earlier in the day about my colleague and Senator LEVIN, and I would like that spread across the RECORD again.

Mr. President, Senator MCCAIN is on his way. We have a unanimous consent agreement that he asked for earlier in the day. We are now able to clear it.

Mr. WARNER. Mr. President, given that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDING TITLE 49, U.S. CODE, TO REQUIRE REPORTS CONCERNING DEFECTS IN MOTOR VEHICLES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5164, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. 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 regarding the bill be printed at this point in the RECORD.

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

Mr. REID. Reserving the right to object, what was the request?

Mr. MCCAIN. That the Senate proceed to H.R. 5164.

Mr. REID. Is this the same request the Senator entered earlier today?

Mr. MCCAIN. Yes.

Mr. REID. Reserving the right to object, as I said to my friend—and he was so persuasive—I indicated that we have to be patient and I thought his patience would require more than an hour or so. But as a result of our work on this side, we were able to get the agreement cleared, and we have no objection to this matter proceeding tonight, as indicated in the earlier consent agreement.

Mr. MCCAIN. I thank my friend from Nevada.

May I just say that one thing I have learned about my friend from Nevada is that when he gives his word on an issue, he pursues that in a sincere and dedicated fashion. When he gives his word that he is going to oppose, as he has on several occasions, he is a formidable opponent. I thank the Senator from Nevada for working on this. He could have easily held this over until tomorrow and we could have gotten caught up, perhaps, in other issues. Instead, the Senator from Nevada said he would be working on this issue. He did that, and we have it resolved. I express my deep and sincere thanks to him.

I look forward to next year when we again have our differences on the issue of college gambling being ventilated and work together on that issue as well.

Mr. REID. Also, we can work together to do more on boxing. If there were ever a requirement that we have spread before us, it would be to do something about the abysmal state of boxing in the world, which is controlled by the United States.

Also, the work the Senator from Arizona and the Senator from Wisconsin have done on campaign finance reform—when the history books are written about what has happened in Government during the past hundred years, there is no question in my mind that one of the main chapters will be the work that has been done on campaign finance reform. It will happen, and it was instigated and initiated by the Senator from Arizona and the Senator from Wisconsin. It is only a question of when; it will happen.

Mr. MCCAIN. I thank my friend from Nevada.

I should not be speaking off the top of my head, but perhaps a hearing out in the city of Las Vegas, where really 90 percent of the major boxing is conducted in America, might be something he and I could do together in the next couple of months to get the ball rolling. I thank my friend from Nevada.

Mr. REID. I thank my friend from Arizona.

Mr. MCCAIN. Mr. President, last week I was blocked in my efforts to gain unanimous consent for the Senate to schedule a time for consideration of S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Act. As you know, the Act is in response to the recent Ford/Firestone recall of 6.5 million tires and the more than 100 deaths associated with these tires.

Today, we are in the midst of what may likely be the last week of this legislative session. The remaining days to enact legislation to remedy indisputable flaws in the Federal Motor Vehicle Safety Act are dwindling to a precious few.

When we began this process more than six weeks ago, I made a commitment to seek the enactment of legislation this year to remedy this problem. I also stated that we would not make the perfect the enemy of the good. Last night, the House passed by voice vote H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The legislation is similar to S. 3059 and has the support of both Republicans and Democrats in the House.

While the House bill does not go as far as the Senate bill in some respects, it will nevertheless advance the cause of safety. It will ensure that the Department of Transportation will receive the information it needs to detect defects, including information about foreign recalls. It will increase penalties for manufacturers that fail to comply with the statute and its regulations. The maximum civil penalty under the current statute is $980,000. The House bill will increase that amount to $15 million. It will also direct the Secretary to develop a program to conduct dynamic rollover tests of motor vehicles and make that information available to consumers. It will direct NHTSA to upgrade the current tire standard for the first time in 30 years. Finally, the House bill incorporates a measure sponsored by Senator FITZGERALD and recently reported by the Senate Commerce Committee, which will improve the design of child safety seats.

Many of the provisions in the House bill are an improvement upon current law. The House bill is supported by the Secretary of Transportation. Nevertheless, let me be clear, I would prefer to have the Senate complete action on the bill reported by the Senate Commerce Committee with unanimous support. But holds and stalling tactics used by some members of this body will prevent us from even considering the Senate measure. The reality we face in the remaining days of Congress because of these tactics is that we pass the House bill or we pass nothing. Left with that decision, I would prefer we move forward with the House bill.

Some people have raised concerns that the House bill would weaken current law in several respects and it would be better to do nothing. Specifically, concerns have been raised that the bill would inhibit the release of information collected by Department of Transportation to the public, that manufacturers could destroy information to avoid the reporting requirements, and that the safe harbor provisions for the enhanced penalties could apply to existing penalties. I strongly disagree with these assertions. More importantly, the supporters of the House bill both Democratic and Republicans disagree with those assertions as does the Department of Transportation which will be charged with carrying out the provisions of the Act.

House supporters of the bill such as Congressmen MARKEY and TAUZIN addressed some of these concerns in a colloquy upon final passage of the House bill last night. I ask unanimous consent that the entire colloquy from the House bill be included in the RECORD following my remarks. Two portions of the colloquy refute these assertions. First, Mr. MARKEY asks if the ''special disclosure provision for new early stage information is not intended to protect from disclosure [information] that is currently disclosed under existing law such as information about actual defects or recalls?'' Congressman TAUZIN responds by saying, ''the gentleman is correct.'' Second, Congressman MARKEY asks if it is in the ''Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?'' Again, Congressman TAUZIN responds ''the gentleman is correct.''

Congressman TAUZIN wrote to me today to further clarify that this provision would not enable manufacturers to destroy or conceal information.

In explaining the safe harbor provision under the enhanced penalty section, the intent of the House sponsors is not necessary because it is clear on the face of the language that it would not apply to an underlying violation of existing criminal law. The language of Section 4(b)(2) clearly states that the safe harbor only applies to criminal penalties ''under this subsection.'' I am not a supporter of the safe harbor provisions under this bill. I believe that they create a loophole rendering the enhanced penalties meaningless, but it is clear that they do not weaken existing law.

As I said earlier, NHTSA has linked more than 100 deaths to the failure of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had the Department of Transportation possessed vital safety-related information that the law does not currently require manufacturers to report.

The House bill falls short of the Senate bill, but it will improve the Department of Transportation's ability to detect defects earlier. As Chairman of the Senate Commerce Committee, I commit to revisiting this issue next Congress and resolve the issues left in the House bill. But it would be a serious

mistake to prevent even this modest reform to go forward. I ask my colleagues to support the passage of H.R. 5164.

The bill (H.R. 5164) was passed.

Mr. MCCAIN. Mr. President, we went through a great deal of work in order to have the legislation passed concerning Bridgestone/Firestone. I thank the administration and Secretary Slater for all of his efforts.

I thank Senator HOLLINGS, who had strongly held views on this issue and yet came together with me and others.

I thank the Consumers Union for what they did. They are an advocacy group that, again, didn't see a perfect piece of legislation but supported this legislation. Mr. Kimmelman is a man of remarkable talents. I thank him.

I also want to thank Congressman UPTON and Congressman TAUZIN, who were able to get that legislation through the House of Representatives in this late period by a voice vote and thereby made it possible for this legislation to be passed. They are both remarkable legislators. I appreciate very much all they did.

I say to my colleagues again that this issue isn't over. Tragically, I am in fear that there will be more deaths and injuries on America's highways before we finally make it much safer for Americans to be on America's highways. I think we have taken a major step forward, and one that hopefully will save lives and prevent injuries. If that is the case, as I think most experts view this legislation, then I think we will have done something good today.

I thank you, Mr. President, for your patience.

ORDERS FOR THURSDAY, OCTOBER 12, 2000

Mr. MCCAIN. 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 12. 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 proceed to H.R. 4635, the HUD-VA appropriations bill as under the previous order.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Arizona, Mr. MCCAIN, be allowed 10 minutes before the HUD-VA appropriations bill is voted on.

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

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, the Senate will begin consideration of the HUD-VA appropriations bill at 9:30 a.m. There are three amendments in order and up to three stacked rollcall votes will occur at approximately 12:30 p.m. Following the final vote on the HUD-VA bill, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes later in the afternoon in reference to the DOD authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, October 12, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, October 11, 2000*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 11, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God of heaven and earth, both Judaic and Christian scriptures speak to us about end time. You teach us how to prepare for the approaching day of judgment and salvation.

Freed of anxiety and fear we are exhorted once again to place all our trust in You, O God.

You guide us through all difficulties to lead an ordered and sober life given to you in prayer.

Above all, we are committed to love this Nation and serve its people to the best of our abilities.

Help us to keep love and respect for one another at full strength, because You have told us,

In the end, love cancels innumerable sins, now and forever.

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 Illinois (Mr. EWING) come forward and lead the House in the Pledge of Allegiance.

Mr. EWING 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 agreed to the following resolution:

S. RES. 369

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Bruce F. Vento, late a Representative from the State of Minnesota.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

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

S. 1687. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2417. An act to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2528. An act to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2688. An act to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes from each side.

HEY BIG SPENDER

(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, last month the General Accounting Office study reported that a dozen of the largest Federal agencies squandered nearly $21 billion in 1999; $21 billion, Mr. Speaker.

If the Federal government was a corporation, the CEO would have been fired by now.

But instead, our colleagues on the other side of the aisle, some of the Democrats, continue to fight for bigger government and increased spending plans of the Clinton-Gore administration, an administration which has never reprimanded its own bureaucratic agencies for their sloppy bookkeeping.

It is obvious that the bookkeeping of our Federal agencies is in complete disarray. The Department of Education could not even complete its last audit. They ought to learn some basic third-grade math skills.

Mr. Speaker, this irresponsible and wasteful government spending must come to a stop. It is time that the Clinton-Gore administration stop the sloppy math and join this Republican-led Congress to devote 90 percent of the surplus for debt reductions to protect social security and Medicare.

That way, at least our budget surplus will not be squandered, too.

AMERICA MUST PRESSURE HAGUE CONVENTION SIGNATORIES TO COMPLY WITH CHILD ABDUCTION PROVISIONS

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

Mr. LAMPSON. Mr. Speaker, today my story is about Mitchell Goldstein and his daughter, Kelly, age 8. Kelly was abducted from Atlanta, Georgia, to Switzerland when she was 4 years old by her mother, Sandra Gyr Pfisterer, during a court-ordered visitation in 1996.

Since this time, Mr. Goldstein has been trying to have Kelly returned from Switzerland via the Hague Convention on the Civil Aspects of International Child Abduction. Despite numerous court orders from the Swiss court, including from the Supreme Court, officials in Switzerland have refused to enforce the court orders and Kelly remains abroad without any contact from her father.

Switzerland is our ally. Mr. Goldstein has full custody of Kelly. He has numerous court orders from Switzerland and the United States ordering Kelly's return home. Switzerland and the U.S. are parties to the Hague Convention, yet Kelly remains separated from her father.

Mr. Speaker, children like Kelly deserve to have a relationship with both their parents, and parents deserve a relationship with their children. The

House should make sure that the most sacred of bonds, that between a parent and child, is preserved. We must pressure signatory countries to comply with the Hague Convention, especially in cases such as these, where their own courts have ordered a return.

SALUTING SOUTH FLORIDIANS WHO PARTICIPATED IN SYDNEY 2000 OLYMPICS

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

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I congratulate all the individuals from South Florida who participated in the Sidney 2000 Olympics.

I am proud to know that there were athletes from our area representing the United States. These individuals honored our community and our country:

Juan Miguel Moreno in Tai Kwon Do;

Angel Perez in kayak;

Magnus Liljedahl in star sailing, he won the Gold Medal;

Alonzo Mourning and Tim Hardaway in basketball, also Gold Medalists;

Seilala Sua in discus;

Michele Davison, Jenny Keim, and David Pichler in diving;

Margie Goldstein-Engle in equestrian;

Lauren Meece and Lauren Moreno in judo;

Vince Spadea in tennis;

Mickisha Hurley and George Roumain in volleyball;

And Doug Meintkiewicz in baseball, a Gold Medalist.

There were other residents from South Florida who, although they did not represent the United States, did an outstanding job in representing other countries, and this demonstrated the cultural diversity and excellence that makes our area such a unique place and a wonderful area in which to live.

These athletes stand as examples of perfection, excellence, and diligence, and of what can be achieved through many years of hard work and dedication. I am proud to know that they are from South Florida, and I ask my congressional colleagues to join me in congratulating not only these Olympians, but all the athletes who showed the rest of the world the best that our country has to offer.

AN AMERICA WITHOUT GOD IS AN AMERICA THE FOUNDERS NEVER INTENDED

(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, the United States Army in Europe has denied Catholic soldiers the right to hold mass in the base chapel. A spokesman said, and I quote, ''The Army will not pay for the cost of a priest.'' He further said, ''If we allow the Catholics in, we must allow all religions in.''

Now, if that is not enough to shred the Bible, the Army does allow and permits witchcraft and pagan ceremonies at the base. The spokesman said, and I quote, ''The witchcraft groups pay for their own pagan ministers.''

Unbelievable. It is time to call in the dogs, throw the coffee grinds on the fire, the hunting is over. When the U.S. Army allows satan in one door and will not allow God in the other door, America is so screwed up we do not know where we are going.

Beam me up, here. I yield back the fact that an America without God is an America that the Founders never planned.

WHO DO YOU TRUST?

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

Mr. SMITH of Texas. Mr. Speaker, George Bush wants our children to learn more in school. He wants those who work to keep more of their hard-earned dollars, and he wants those who are retired to have a secure future.

George Bush trusts the people. His opponent wants more government. George Bush trusts parents with school choices. He trusts taxpayers to spend their dollars better than the government. He trusts retirees to invest their savings.

On the other hand, his opponent has a trust problem. Under the Clinton-Gore administration, numerous officials have been indicted or convicted, 83 witnesses refused to testify in court about campaign contribution violations, and another 21 fled the country.

To restore integrity to the White House, the American people deserve a president they can trust. George Bush wants a government worthy of so great a people, a government that is honest, nonpartisan, and scandal-free. Only one presidential candidate can lead America to that shining goal: George Bush.

THE REPUBLICANS' FIG LEAF PRESCRIPTION DRUG BILL

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

Mr. MCDERMOTT. Mr. Speaker, today is Republican fig leaf bill on the cost of medications. The agriculture bill allows the reimportation of medications that have been shipped abroad to be brought back into the country, presumably to be sold at lower prices.

What the Republicans want the American people to believe is that the pharmaceutical companies will send medications out of the country that they charge $1 in this country for but only 30 cents in Canada, and they will allow them to come back in and be sold for 30 cents.

Mr. Speaker, this provision is a fraud. It allows the pharmaceutical companies to relabel the drugs so people will be confused about whether it is the same medication. It also allows them a 5-year sunset, and it also restricts the contracts when they sell them abroad. They will write a contract that says to the Canadians, ''We are selling this to you, and you agree that you will not reimport.''

This bill is filled with fraudulent information, but it is going to be the basis of 100 to 218 press releases today: ''The Republicans have dealt with the problem of the cost of medications.''

TEN THOUSAND CHICKENS

(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, reputations are earned. They take a long time to acquire, as one develops and improves his abilities.

Like those in centuries past who told tall tales about Paul Bunyan or Pecos Bill, it takes a certain talent to stretch the truth.

Well, there is another tall tale reported in the papers this morning that was spun some 20 years ago. It is a tale told by a Washington politician who liked to fancy himself a farmer.

He told his friends that he was once a chicken farmer. He said, ''I have raised chickens myself, 10,000 at one time, 5,000 in each of two houses.'' The politician who told this tale was also the son of a politician so he grew up in Washington, not on a farm.

True, he would go back home to Tennessee once in a while to visit, but all those chickens, they were on another farm that he did not visit. He certainly did not raise 10,000 chickens.

This candidate has earned a place among the best spinners of yarns in America. He tells some of the best tall tales today. The tale of the 10,000 chickens is just one more tall tale from Tennessee. AL GORE spins a good yarn.

SENIORS WANT AN AFFORDABLE PRESCRIPTION DRUG PLAN THROUGH MEDICARE, NOT EMPTY RHETORIC

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

Ms. DELAURO. Mr. Speaker, our seniors face skyrocketing prices of prescription drugs. Many are forced to choose between purchasing their medication and buying groceries. For those skipping meals or missing rent payments, a prescription drug benefit is

vital to returning dignity to their lives.

In July, this House passed an amendment to allow U.S. pharmacists to buy medications at the same low prices paid for in other countries, 20 to 50 percent less for the same drugs, and then we could pass those savings on to our seniors. It makes sense.

But last week in the dead of night the Republican leadership twisted this amendment into a deal full of loopholes so big that they could drive a truck through them.

The deal does nothing for seniors. It only protects the pharmaceutical industry profits. This compromise artificially restricts access to safe and affordable drugs abroad. It gives the drug industry a veto over all imports.

Our seniors deserve better. They deserve the same medications at the same prices that people are paying for overseas. It is time for the Republican leadership to stop using empty rhetoric. We should have a pharmaceutical plan that works. We ought to have a prescription drug benefit through Medicare.

If there must be reimportation, then in fact let us be able to reimport those drugs at a price our seniors can pay for.

WELCOME TO NEWBORN JACK CHRISTOPHER LINDGREN

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

Mr. CHABOT. Mr. Speaker, I want to take a moment this morning to welcome into this world Jack Christopher Lindgren, who was born just a couple of weeks ago, on September 21.

I want to congratulate his proud parents, Gary Lindgren, chief of staff in my office, and his lovely wife, Susan. I know they are delighted with their handsome baby boy.

There is some good news for little Jack. Thanks to a Republican Congress, his parents will enjoy a $500 tax credit for their new child. That will help buy diapers and baby food and some of the clothing that babies seem to grow out of in a couple of weeks.

But here is a dose of reality for young Jack. Because of the steadfast opposition of the Clinton-Gore administration, Jack's parents will be paying a penalty again this year to the Internal Revenue Service.

□ 1015

Their offense? They chose to be married. When Congress tried to correct that inequity in the Tax Code this year, President Clinton said no. There is hope for all of those American families who work hard every day to pay their taxes and support their families. They will have a chance to reduce their tax burden by saying good-bye to the Clinton-Gore team.

Mr. Speaker, American working families deserve a break. Let us give it to them.

DRUG IMPORT PROVISIONS OF AGRICULTURE APPROPRIATIONS BILL

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

Mr. BROWN of Ohio. Mr. Speaker, sometimes I wonder whether the Republican leadership of this Congress reports to the public or to the prescription drug industry. The public sends a clear message that they are sick of unjustifiably high and blatantly discriminatory prescription drug prices.

Seniors are particularly vulnerable to overwhelming prescription drug expenses. Democrats offer a proposal featuring an optional Medicare drug benefit, drug prices discounted to reflect a collective bargaining power of 39 million Medicare beneficiaries, and a strategy for undercutting international price discrimination, the ability to reimport prescription drugs.

Republicans refuse to even consider price discounts for seniors, they emasculate the reimportation proposal, and then they sunset those weak provisions before they even have a chance to kick in.

A phony watered-down drug reimportation bill is marginally better than no bill at all, but I do not want a single American to be fooled into thinking that Republican leadership has been responsive to the prescription drug crisis. The only constituency they have been responsive to is the prescription drug industry.

DATABASE PROTECTION LEGISLATION

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

Mr. COBLE. Mr. Speaker, this will now be the third Congress in which legislation protecting databases has failed to become law. Over the past years, the opponents of such legislation have done all they can to prevent legislation from moving forward and maintain the status quo so they may pirate the work of others due to the current gap in protection. They first claimed there was no need for legislation. Then subsequently, they admitted there was, in fact, a need as long as they could get a carve-out for themselves.

How selfishly convenient. This issue will not go away. Now, more than ever, America's database producers need sufficient protection to ensure the continued investment in developing these information products. Their vulnerability remains as the pirates still sail without fear.

Rest assured, Mr. Speaker, I will do everything I can next session to finally pass legislation which benefits database producers and, therefore, benefits American consumers. Finally, Mr. Speaker, I want to express thanks to the many people who worked tirelessly to promote this legislation.

VOTING MAKES A DIFFERENCE

(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, Monday evening I spoke to a college government class in my community, and a young woman commented during the question period. She asked, I just turned 18, I will be voting for the first time, can you tell me why I should vote? What difference does the government make in my life?

I gave her two quick examples, and I thought everyone listening to this might be interested in these examples. I said, first of all that, when I was elected in 1994, we had deficits of $300 billion per year. The Republicans took over. We now have a surplus of over $100 billion per year. That is a $400 billion per year difference, and that computes to $2,200 for every single taxpayer in this Nation. That does make a difference to you. You should vote this year.

The second example I gave is that the interest on the debt is going to cost her $185,000 during her lifetime, even if we do not add another cent to the debt. This is equivalent to the cost of a nice house in my district. It does make a difference who is in control; we have started to pay off the debt. It does make a difference, and people should vote accordingly. I am very proud of what we have accomplished, and how we have put money back in the hands of the people, including this young 18-year-old lady. I hope that she does vote, and I hope that she does vote for the good of this country.

URGING OSHA TO STOP CORRUPT ERGONOMICS RULE-MAKING

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

Mr. BALLENGER. Mr. Speaker, just when we thought the Clinton-Gore administration could not sink any lower, they always figure out another way. I recently learned that OSHA paid for 35 posthearing comments for the record on its proposed ergonomics rule. In effect, OSHA bureaucrats paid for what they wanted the public to hear and did not allow real public comments to stand. To make matters worse, OSHA paid for these comments with taxpayers dollars.

This disregard for the mandated public comment period tells a story of the Clinton-Gore-AFL-CIO Labor Department. Mr. Speaker, this outrage bears

repeating. Instead of independent reaction from the public at large, OSHA filled the ergonomics public records with comments from its own paid witnesses. If you can believe it, the story gets worse.

When the public comment period was closed, OSHA allowed the ever-biased National Institute for Occupational Safety and Health, NIOSH, to submit over 3 years of scientific literature more than 6 weeks after the deadline. This, again, shows OSHA is hearing what it wants to hear, not what small businesses and the average American wants it to say. I strongly urge OSHA to stop this corrupt ergonomics rulemaking and start over with a clean, fair, and objective rule-making process.

CONGRATULATING JACK ST. CLAIR KILBY

(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 is Nobel Peace Prize time again, and I rise today to congratulate another Dallas resident, Jack St. Clair Kilby.

Mr. Kilby was awarded the Nobel Prize in physics. While you might not know him personally, his invention revolutionized the world. Shortly after joining Texas Instruments way back in 1958, Mr. Kilby conceived and built the first electronic circuit, microcircuit.

Without question, his development revolutionized the electronics industry, gave us such things as the cell phone and satellite communications. His invention allowed us to explore space, fly to the Moon, and develop sophisticated medical tools.

Mr. Speaker, I extend my heartfelt thanks and appreciation and congratulations to Mr. Kilby for his Nobel Prize award. He helped make America great.

ONE MORE TALL TALE FROM TENNESSEE

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

Mr. SCARBOROUGH. Mr. Speaker, a few minutes ago, we heard from the gentleman from Pennsylvania (Mr. PITTS) telling us the tall tales of AL GORE, and the gentleman is right. There is a news article today about how AL GORE was a chicken farmer of over 10,000 chickens. This is a very versatile man.

He is also the inventor of the Internet, the man who brought us the dog pill story, the man who says he was the reason for ''Love Story''; that was the first one to investigate Love Canal; that he was there when the Strategic Petroleum Reserve was invented, which he was not.

He has fought against big oil, and yet his family owes its fortune to Occidental Petroleum. He fought against Big Tobacco. In fact, in 1992, he said that on his sister's death that he swore he would fight the scourge of Big Tobacco for the rest of his life. Well, 2 years later he was telling tobacco farmers that he was one of them.

This is a man who at one time is a chicken farmer, the next he is a tobacco farmer, the next he is an enemy of Big Oil, the next he is a big protector of Big Oil. He is a very versatile man. I wish he would make up his mind and tell the American people exactly who he is.

ASKING ADMINISTRATION TO AGREE TO DEBT REDUCTION 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, 29 days ago, this Congress sent President Clinton and Vice President AL GORE a proposal to lock away 100 percent of the Social Security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for debt reduction.

Mr. Speaker, 29 days and still no word from the Clinton-Gore administration. There will be an estimated $268 billion surplus this fiscal year.

Our question is simple: Should it be used to pay off our national public debt and protect Social Security and Medicare, or should it be spent on more government spending? Republicans are for using the surplus to pay off the public national debt and protecting Social Security.

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

EULOGY TO THE HONORABLE OSCAR H. MAUZY

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

Mr. FROST. Mr. Speaker, yesterday was a sad day for Democrats across the country, not only did our former colleague, Bruce Vento, die; but one of the finest Democrats in the State of Texas, Oscar Mauzy, passed away yesterday. Oscar served in the State Senate for 2 decades representing a district in Dallas. He served on the Texas Supreme Court, and he stood for everything that was good and decent in politics.

He stood for civil rights at a time when it was not popular in Texas. He stood for the rights of the consumer, and he blazed a trail that made it possible for progressive Democrats to be elected in Dallas County. First Jim Mattox, then I joined Jim in Congress, John Bryant after that, and EDDIE BERNICE JOHNSON following that. Oscar Mauzy will be truly missed by the people of the State of Texas.

TODAY'S MILITARY SMALLER, LESS CAPABLE, OVERWORKED AND LESS READY THAN 8 YEARS AGO

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

Mr. HANSEN. Mr. Speaker, last week Vice President GORE mislead every American again. I am not talking about raising chickens. AL GORE claimed that our military is the strongest in history. Our military is the best in the world today, but it is simply not true that our military today is the strongest in history, not even by recent history.

One only has to look back to the 1980s to find a military force 40 percent larger, with a much more robust capacity that could easily have engaged two major threats on two separate fronts at once. Today, the Joint Chiefs tell us that fighting two fronts could only be accomplished with high risk and significant loss of life.

Looking back at World War II, the United States fielded an Army of over 8 million soldiers and airmen. The United States was fighting on three separate fronts in three separate geographical areas of the world, and we were winning all three.

It is laughable to consider today's force equal. If AL GORE believes today's military is the best in history, he obviously has not talked to thousands of soldiers, airman and Marines who are leaving in total frustration.

By any measure, today's military is smaller, less capable, overworked and less ready than it was 8 years ago. Anyone aspiring to be Commander in Chief should know that.

CONFERENCE REPORT ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes. All points of order against the conference report and against its consideration

are waived. The conference report shall be considered as read.

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

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

Mr. Speaker, only yesterday the Committee on Rules met and granted a normal conference report rule for H.R. 4205, the Fiscal Year 2001 Department of Defense Authorization Act.

The rule waives all points of order against the conference report and against its consideration.

□ 1030

In addition, the rule provides that the conference report shall be considered as read.

This should not be a controversial rule. It is the type of rule that we grant for every conference report that we consider in the House.

But more importantly, Mr. Speaker, this should not be a controversial bill. Once and for all, we are taking care of military retirees by giving them TRICARE for life and by improving their prescription drug benefit. Our military retirees were promised lifetime health care coverage when they enlisted, and so it is about time that we fulfilled our promise to them.

Also, at long last, we are taking care of our men and women in uniform. We are getting them off of food stamps and out of substandard housing.

Finally, we are providing for our Nation's general welfare by giving our military the tools they need to win on the battlefield.

I urge my colleagues to support this rule and to support the underlying bill. Now more than ever we must provide for our national security.

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

Mr. FROST. Mr. Speaker, I rise in support of this rule and in support of the conference report. Mr. Speaker, this conference report provides the authorization for the Department of Defense in fiscal year 2001 and, in doing so, it provides for the defense of the United States and for the defense of freedom and democracy around the world.

This conference report ensures that our military forces continue to be second to none, and it ensures that now and in the future our forces will be able to meet the demands of every mission they are assigned.

Mr. Speaker, this conference report addresses the real needs and the real priorities of our Nation's armed services and is, therefore, a conference agreement that every Member of this body should support. But at the same time, every Member should be aware that meeting these needs and priorities comes at a price. I happen to be one who believes the price of defending our Nation and ensuring peace around the world is one worth paying.

This conference report authorizes $310 billion in spending for the Department of Defense and its programs, addressing shortfalls in readiness, funding in modernization programs, and improving the quality of life for our military personnel and their families.

Mr. Speaker, no one can argue the fact that our military stands second to none in the world. No campaign rhetoric can truthfully say that our Armed Forces are not up to the job. But there is no denying the fact that improvement of readiness capabilities and continuing modernization are constant requirements to ensure that we do not fall into a condition that would find us shorthanded in an emergency.

All that requires money, money that must come from a Federal budget with hundreds of competing interests. We must remember that education for our children is also a national priority, that protecting Social Security and Medicare and providing a Medicare prescription drug benefit for senior citizens is a national priority, and that reducing the national debt should continue to be a national priority.

Americans understand this, and they know full well the folly of cutting taxes while increasing spending. I would remind my colleagues in this House that we have gone down that road before. I am committed to ensuring that our Armed Forces are the best trained, best equipped, and the most ready in all the world. But we cannot lose sight of the fact that those forces are protecting a Nation that has other pressing needs. Let us not shortchange our military, our children, or our senior citizens.

Mr. Speaker, this conference report contains many important provisions, but chief among them is one that keeps a promise made to the men and women who have chosen the military as a career and have served faithfully and well for 20 years or more.

When I am back home in my district in Texas, I often have the opportunity to meet with some of the many military retirees who live in the Dallas-Fort Worth area and, more often than not, they raise the issue of the lifetime health care they were promised when they chose to make the military a career.

Cuts in the military budget and base closings have decreased the number of facilities where military retirees can go to receive health care. Even if those facilities are available, they must often wait far too long to see a doctor.

At the beginning of this Congress, the gentleman from Mississippi (Mr. SHOWS) and the gentleman from Mississippi (Mr. TAYLOR), two Democratic Members, offered comprehensive plans to address these inequities in the military health care system for those men and women who have dedicated their careers to defending our country.

Mr. Speaker, while what is in this conference agreement falls short of the original proposals made by the gentleman from Mississippi (Mr. SHOWS) and the gentleman from Mississippi (Mr. TAYLOR), I am gratified that this conference report restores to military retirees benefits they were promised and in doing so begins to make good on the commitment made to all of them as they embarked on their careers.

This conference report provides permanent lifetime TRICARE eligibility for Medicare-eligible military retirees and their families beginning in fiscal year 2002 and restores the prescription drug benefit by allowing those retirees who cannot access a military treatment facility to participate in the Department of Defense mail order and network retail pharmacy program.

While this benefit is not extended to retirees before they reach Medicare eligibility, the provisions in this conference report represent an important start and one that I say is long overdue.

I encourage the Committee on Armed Services to continue to work on this issue and to especially strive toward ensuring these benefits can be used by retirees who live in rural areas, to ensure that reimbursement rates are adequate, and to provide a benefit for military retirees before they reach the age 65.

We made a promise to those men and women who were willing to put their lives on the line for their country. Now, we have an obligation to live up to it. I am extremely gratified that this provision will become law, and I want to thank the chairman and ranking member for their willingness to see this through.

Mr. Speaker, retention of a trained and ready fighting force is one of the greatest difficulties facing the military today. Long deployments and better offers in the civilian world have taken a toll on the number of military men and women who are willing to stay in and continue to serve.

While retention is improving, this conference report makes significant improvements in the military standard of living which should further assist in reducing the number of service personnel who leave.

The conference report provides a 3.7 percent increase in basic pay, establishes a targeted subsistence payment for those personnel who struggle hardest to make ends meet and provide for their families, provides housing allowances which will assist junior military personnel to find suitable housing for

themselves and their families, and provides active duty special pay and bonuses.

These are all important components in the ongoing efforts of the Congress and the administration to recruit and retain the men and women we need for our military forces.

This conference report also increases readiness accounts and importantly includes $222.8 million for spare parts for aircraft squadrons in an effort to stop the cannibalization of aircraft that has occurred in the past.

The conference report provides an increase in funding for live-fire training ammunition for the Army, Navy, and Marine Corps and significantly increases the funding for improvements for training facilities for the National Guard and reserves.

The conference report also funds the weapons programs that are so critical to our military, and I am especially gratified that the conference has included $305.5 million for F–16 modifications and improvements for the Air National Guard.

Looking forward to the future, the conference has provided $2.5 billion for procurement of 10 F–22 fighters, the next-generation Air Force fighter which will ensure our air superiority over any force we might encounter.

Also included is $1.4 billion in research and development funding for the F–22 program. The conference includes $1.2 billion for the acquisition of 16 MV–22 Osprey and $358.4 million for four CV-Osprey.

In addition, the conference includes $154.2 million to accelerate the radar development for the CV–22 Special Operations Variant.

These are all valuable investments in the fighting capabilities of our Armed Forces, and I am pleased that they are included in this agreement.

Mr. Speaker, I should note this conference does contain a significant new compensation plan for those Energy Department employees who are exposed to dangerous levels of radiation, beryllium, and other toxic substances while they work on the Nation's nuclear weapons program.

The agreement calls on the Congress to enact a compensation program by next July 31. I would hope that these workers can count on the Congress to act quickly in the 107th Congress to enact a legislative compensation program to assist them.

Mr. Speaker, this is a very good conference agreement. It was signed by all conferees, making it a truly bipartisan agreement. I encourage all Members to support this rule and to support the conference agreement which provides so much to every American.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and conference report. Since I came to Congress almost 6 years ago, the Congress has made rebuilding our military a top priority. Each year we have been able to make great strides towards this goal, and this bill is another critical example of our efforts.

This defense bill is a great credit to the outstanding leadership of the gentleman from South Carolina (Chairman SPENCE) and also the strong leadership of the gentleman from Missouri (Mr. SKELTON), our ranking member.

More importantly, it is a fitting tribute to those who serve our Nation in uniform and to those who have served.

This legislation takes concrete steps toward providing the proper resources to equip and train the military of today, as well as making the investments needed to support the military of tomorrow.

It provides the proper financial support for our military personnel by providing a 3.7 percent pay raise for those in uniform and by reforming the pay tables for those critical mid-career, noncommissioned and petty officers.

This legislation invests heavily in the important quality of life and health care accounts to ensure that we are not only able to recruit the best and brightest men and women in the military but also to keep them. That is extremely important to the defense of this Nation.

Finally, by expanding access to TRICARE and by providing a pharmacy benefit to our Medicare-eligible retirees, this Congress is ensuring that a promise made is a promise kept.

Despite these great accomplishments, we must also recognize that we still have much work to do. We must continue to address modernization and readiness accounts. We must eliminate the inequity caused by the prohibition against receiving retiree pay and disability pay. We must continue to invest in the most important aspect of our military, our people.

I thank the chairman and ranking member. I urge my colleagues to pass this important legislation for our men and women in uniform, past present and the future.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of the rule and the conference report. I commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), ranking member, for their hard work in putting together this legislation.

This conference report contains a prescription drug benefit for seniors on Medicare, but only those seniors on Medicare that are military retirees. Like the Democratic Medicare prescription drug plan, on which the majority refused to allow a vote, this bipartisan prescription drug benefit is guaranteed and administered by a Federal agency.

Unlike the Republican prescription drug plan, this bipartisan drug benefit does not throw military retirees to the whims of the private insurance companies that say they will not offer such insurance anyway.

Like my bill, H.R. 664, the Prescription Drug Fairness for Seniors Act, this bipartisan drug benefit gives seniors who are military retirees access to the best prices negotiated by the Federal Government: the Federal supply schedule price, the VA price, or an even lower price.

Now, some in this body call H.R. 664 a price control bill. It is not since it does not set prices. It allows the government to negotiate lower prices on drugs. But if one believes H.R. 664 involves price controls, then surely this Department of Defense drug benefit involves price controls. Both bills use the same mechanism.

When this bill with the prescription drug benefit passed the House in May, 353 Members voted for it, including 208 Republicans. I ask those Members the following questions: If Congress can provide a government-run prescription drug benefit to one segment of the Medicare eligible population, military retirees, why cannot it offer the same kind of benefit to the rest of our Nation's seniors?

If Congress offers some seniors on Medicare discount drug prices negotiated by the Federal Government, why cannot it offer the rest of our seniors on Medicare the same discount prices?

The answer is we can. The reason we do not is the undue hold the pharmaceutical industry has over the majority of this Congress.

Military retirees need and deserve this bill's prescription drug benefit. I support it with enthusiasm. The tragedy is that Republicans will not do the same for all other seniors on Medicare.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I would like to salute everybody that made this authorization bill work. It is a bill to be proud of.

The gentleman from South Carolina (Mr. SPENCE), the committee staff, members of the conference committee all came together and made a big difference on an issue that I have been hearing about, not only since I first got elected in 1994, but heard about from

my grandfather who fought in World War II, who gave his entire life to the military, and yet, when he died, he was upset because his military and also his government did not keep the promises that they made to him about military health care.

Well, this bill makes a big difference and moves us in that direction where a promise made to our brave fighting men and women when they first enlisted is now being kept.

Again, everybody involved in this process should be saluted: certainly the gentleman from South Carolina (Mr. SPENCE); his tireless committee staff; members of the conference committee; the gentleman from Indiana (Chairman BUYER) on the House side that made a big difference. On the Senate side, of course, so many Senators helped out; but also people like the gentleman from Mississippi (Mr. PICKERING), who, along with me and some others, have been fighting and talking with the leadership about how important this is; the gentleman from Georgia (Mr. NORWOOD), who has been fighting on military health care for so long; the gentleman from North Carolina (Mr. JONES); and so many others who understand we need a health care fix for our military retirees, and this does it.

□ 1045

It does several things. First of all, it is permanent. So it tells our military retirees that they can give up their supplemental health care insurance, that they are going to be taken care of. It also gives continuity to those who are going to enlist in this TRICARE plan by allowing them to stay with their physicians that they are with right now. How important that is.

I will tell my colleagues that when I first held TRICARE hearings across my district back in 1997, I heard so many military retirees and their families telling me that they cannot afford to get into any TRICARE plan because they do not know how long it is going to last. Because of the fight of the House conferees who said we must make this benefit permanent, we must set up a trust fund and keep it in mandatory spending, because of that, this program will not be doomed to failure. This program will work, and it will keep the promise that was broken to my grandfather and millions of military men and women and their families and dependents who counted on the promise being kept.

Today is a great day, and I am proud that I am going to have an opportunity to vote for this bill, a bill that I believe my grandfather would be proud of, were he still alive.

I am also proud of another provision in here regarding a school project started by Hunter Scott. He was an eighth grader in my district when he started this fight, and now the crew of the U.S.S. Indianapolis is going to be recognized for their bravery and their work in the closing days of World War II, and also it will be an honor to Captain McVay, too.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. SHOWS), who has helped lead the way on this issue of health benefits for our retirees.

Mr. SHOWS. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate his comments very much.

Mr. Speaker, I rise today to support the defense authorization conference report. This bill will help promote a first-class military. When we pass this bill today, a great victory will be won for our military retirees.

The problem is that the military retirees health care system fails to care for many of its people. This defense bill takes a giant step in correcting this injustice for our military retirees. They devoted their lives to defend this democracy. Many of them served in World War II, Korea, and Vietnam. And when they joined the service, they were promised lifetime health care, just like the gentleman from Florida (Mr. SCARBOROUGH) was talking about awhile ago, and they were hopefully getting it at military bases.

In the old days, this system worked pretty well. But changes in the law made it very difficult to get and base closures eliminated care for many retirees and their families. Civilian retirees can join the Federal Employees Health Benefit Plan, which offers lots of health care options. At 65, FEHBP supplements Medicare and provides a very nice health care package when they need it the most. But TRICARE, the military health plan, ends at age 65. Military retirees get Medicare but nothing else if they cannot afford supplemental insurance.

To correct this sad situation, and I want to mention my colleague on the other side of the aisle, the gentleman from Georgia (Mr. NORWOOD), and Senators TIM JOHNSON, JOHN MCCAIN, and our esteemed colleague, Paul Coverdell, introduced the Keep Our Promise to America's Military Retirees Act, H.R. 3573. The Keep Our Promise Act has united military retirees and families across the country. Their billboards, bumper stickers, e-mails, phone calls, and letters to newspapers and Congress have educated us to their plight. Their persistence has gained the Promise Act 306 cosponsors in the House and 36 in the Senate.

Mr. Speaker, we would not be here today debating this issue today without the grass roots support for the Shows-Norwood Keep Our Promise Act. The defense bill accomplishes part of what the Keep Our Promise Act would do by extending TRICARE to military retirees beyond age 65 as a supplement to Medicare. This is a great step in the right direction, but the defense bill does not do everything the Promise Act would do. The Promise Act would offer military retirees the option to participate in the FEHBP, because many retirees are not well served by TRICARE.

So while we congratulate ourselves on a job well done, we must remember that this defense bill only begins to make good on the commitment we made to our military retirees. We need to pass the rest of the Keep Our Promise Act. It is the right thing to do. And I promise my colleagues that military retirees across the country will keep fighting for the benefits they were promised, earned and richly deserve.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule and in strong support of the underlying legislation that will authorize spending for our Nation's military and spending for the Department of Energy's nuclear sites.

This legislation represents a great leap forward in our Nation's military, and I would like to especially congratulate the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their great effort over the past 6 years to ensure that our Nation's military is the best prepared in the world. It is only appropriate that this legislation before us today bears the name of our colleague, the gentleman from South Carolina (Mr. SPENCE).

Mr. Speaker, I would like to focus specifically on one provision that I am especially pleased was included in the final conference report. In the 1999 National Defense Authorization Act, the Congress created the Office of River Protection to manage the Nation's largest environmental cleanup project, which is in my district. The River Protection project is charged with the safe cleanup and vitrification of 54 million gallons of highly radioactive liquid waste that is stored in 177 underground storage tanks at the Hanford Nuclear Reservation in central Washington. Over one-third of these tanks have leaked over a million gallons to the ground, which could potentially endanger the Columbia River and the salmon populations within the Hanford Reach.

The Office of River Protection was established to provide a streamlined management structure that would manage the program primarily at the site to allow for quick decisions and to cut through the DOE bureaucracy that too often impedes cleanup projects. Specifically, the head of the Office of River Protection was charged with managing all aspects of the River Protection project and was to report directly to the Assistant Secretary of Energy for Environmental Management.

Unfortunately, DOE headquarters has not followed the intent of this 1999 legislation and continues to micromanage the Office of River Protection. This micromanagement has contributed to unprecedented frustration among the stakeholders, the State of Washington, other Federal agencies, Congress, and certainly the Tri-Cities communities that I represent.

This year's defense authorization bill contains an amendment I offered in conference to clarify the role of the head of the Office of River Protection. The amendment clearly states that the Assistant Secretary of Energy for Environmental Management shall delegate in writing responsibility for the Office of River Protection to the head of that office. Such delegation shall, at a minimum, include authorities from contracting, financial management, safety, and general program management equivalent to the authorities of other operations offices of the Department of Energy. This delegation must be completed and submitted to Congress within 30 days.

I want to make it very clear, Mr. Speaker, to the Department of Energy that Congress has taken this step because of our continuing concerns with the micromanagement of the office. It is time to put an end to this. I expect the Department to immediately provide the necessary authority to the head of the office for budgeting, contracting, and staffing.

Further, I believe the Department must transfer the regulatory unit, now under the management of the Richland Operation Office, to the head of the Office of River Protection, to comply with this legislation. Now is the time for the Department to recognize the unique mission that Congress has provided to the Office of River Protection and to assist, not hinder, the office to its completion of this vital project.

Mr. Speaker, this amendment would not have been possible without the support of the gentleman from South Carolina (Mr. SPENCE) and the gentleman from California (Mr. HUNTER) and others that were on the conference. I also want to thank specifically the staff, Pete Berry and Steve Thompson, for assisting my office in working through this legislation.

Accordingly, Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

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

We have heard several reasons for supporting this bill, including the pay raise for our armed forces and the health care for our retirees. I want to add one more reason to vote for this bill, and that is because of the provisions which enact an important agreement to save the drinking water for 25 million citizens in the Southwest United States.

These provisions would move the largest uranium mine tailings pile that has ever threatened a drinking water supply in the U.S. The dangerous radioactive waste currently sits only 750 feet away from the Colorado River near Moab, Utah, where it threatens the drinking water of one-seventh of the United States, including people who live in Las Vegas, Arizona, and the Southern California urban areas of Los Angeles and, of course, the city I represent, San Diego.

I want to thank my colleagues, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Utah (Mr. CANNON), for their leadership in moving this pile, which is as big as 118 football fields, rather than what was previously suggested, which was capping it in place. We have all fought for 3 years to prevent the Nuclear Regulatory Commission from doing just that, capping the pile, because that would ensure that the poisonous waste would continue to leach into the Colorado River for almost 300 years.

This bill gives jurisdiction to move the pile to the Department of Energy, which has the expertise and experience to relocate it to a secure, permanent, location, safely away from the Colorado River. I want to congratulate all those who have worked so hard to cement this agreement into law instead of allowing the capping of this huge pile of nuclear radioactive waste where it would nearly forever pollute the Southwest's drinking water. I urge the passage of this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the Floyd D. Spence Authorization Act and encourage the adoption of this rule.

This legislation contains many provisions that are important to the defense of this great Nation and to our veterans. However, I want to speak briefly on title 36 of the bill, which establishes the Energy Employees Occupational Illness Compensation Program to provide timely, uniform, and adequate compensation to employees or their survivors for illnesses incurred during the performance of their duties for the Department of Energy's nuclear weapons program.

The legislation requires the President to submit to Congress by March 15 of next year a legislative proposal that identifies the types and amendments of compensation for individuals whose health was adversely affected by their work at DOE facilities, and the procedures for providing those benefits and compensation. If Congress does not act by July 31, 2001, to enact a compensation program, eligible employees exposed to beryllium, radiation, and those working in gaseous diffusion plants will be entitled to a lump sum payment of $150,000 and medical care for their disease.

I want to thank Senator FRED THOMPSON of Tennessee and Senator GEORGE VOINOVICH of Ohio for their leadership and dedicated efforts on behalf of these workers. Without their efforts, we would not have this legislation today nor any other compensation legislation.

Additionally, the bicameral bipartisan compromise that was reached on this program could not have been realized without the tireless efforts of the gentleman from South Carolina (Mr. SPENCE), the gentleman from Illinois (Mr. HYDE), the gentleman from Tennessee (Mr. WAMP), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Kentucky (Mr. WHITFIELD), and their dedicated staffs, as well as Mr. Aleix Jarvis of my staff, who I want to thank for his efforts.

I represent the Savannah River site. The workers there and at DOE facilities across the Nation dedicated their lives to winning the Cold War. They did what their country asked of them. Unfortunately, the Government was not always aware or up front about what they were being exposed to and the dangers it presented to their health. Today we acknowledge our mistakes, and I think it is only right that we correct this wrong.

□ 1100

This is a good bill. I think it is only fitting that this legislation that does so much for so many years by so many bears the name of my friend and colleague, fellow South Carolinian (Chairman SPENCE) who has fought tirelessly for both the men and women in uniform and for those who once wore the uniform.

I encourage adoption of this rule and passage of the bill.

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

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the rule, H. Res. 616, which will allow the House to consider H.R. 4205, the Floyd D. Spence National Defense Authorization Act for 2001.

I am pleased that the Committee on Rules crafted a rule that will waive all points of order against the conference report. A blanket waiver is efficient and would be consistent with the actions of this committee in the 106th Congress.

I also want to commend the members of the House and Senate Committee on Armed Services and applaud the conferees for their deliberation and consideration of important measures included in the legislation.

I am pleased that the conferees retained language from the Senate bill that establishes new and important resources for our Nation's firefighters. The provisions in my legislation, H.R. 1168, the FIRE Act, are included in the DOD authorization bill. The level of authorization may not be what we wanted it to be, but this is a beginning for our firefighters.

We have dedicated our efforts, Mr. Speaker, to the six heroes who died in Worchester, Massachusetts, the firefighters. The $100 million that is authorized for this year and the $300 million that is authorized for 2002 are significant attempts to help the 32,000 fire departments and the million firefighters throughout America.

Paid, combination, volunteer departments and emergency medical technicians will be eligible to apply for these grants.

When appropriated, fire departments can hire personnel, purchase new and modernized equipment, provide fire prevention education programs and wellness programs for our firefighters to modify outdated fire stations. It sends the dollars directly to the departments to the communities in need through competitive grants without going through the State red tape.

I want to thank all 284 cosponsors in this House, Mr. Speaker, for this important legislation and for their support and interest. I especially would like to thank the gentleman from Maryland (Mr. HOYER). This is a victory for our firefighters. I am honored to have been part of it. And again, I want to thank the committee, Mr. Speaker.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this conference report and the rule that brings this bill to the floor. I want to thank my good friend the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time.

There are many important functions of our Federal Government, Mr. Speaker, but probably no more important or more legitimate function than providing for our national defense. And I think it is very, very appropriate that this very strong pro-defense bill is named after our good friend, the gentleman from South Carolina (Chairman FLOYD SPENCE) who has been such a leader in this area for so many years.

But I particularly want to thank the conferees and everyone who has worked so hard on the provisions for the sick nuclear workers that the gentleman from South Carolina (Mr. GRAHAM) just detailed.

While Oak Ridge is in the district of my friend, the gentleman from Tennessee (Mr. WAMP), about half the people who work there live in my district. Over the years, several Oak Ridge nuclear workers suffering from beryllium disease and other health problems related to their work with radioactive material have come to me for assistance, and we have always tried to get them the help we could. But more needed to be done.

I especially want to congratulate my constituent Ann Orick who really led the fight to call attention to the plight and the problems of these sick workers. And I want to commend the gentleman from Tennessee (Mr. WAMP) and Senator THOMPSON who really led the battle in this Congress to see that appropriate action was taken. I was pleased to assist them in their heroic efforts.

Now, hopefully, these workers will receive compensation and, much more importantly, medical treatment for their illnesses. They served our country well and they deserve no less.

I want to urge adoption of this rule and adoption of this conference report.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, 3 years ago a bipartisan majority here in Congress passed the Defense budget that substantially increased funding for the Armed Forces, launching a rebuilding process that is gradually addressing the deficiencies in readiness and quality of life in military service that had developed over many years of post-Cold War downsizing.

Rebuilding has not been as fast as I would like and certainly not as fast as the men and women at the bases located in the part of Georgia that I have the privilege of representing would like. But, on a bipartisan basis, we are moving in the right direction.

For one thing, this bill authorizes a reorganization plan prepared by Army Secretary Caldera to shut down the School of the Americas at Fort Benning, Georgia, and to open a new program with a restructured curriculum and with a strong independent oversight that includes congressional representation on the school's board of visitors.

This program, which teaches professionalism and the principles of democracy to Latin American military and government personnel, is an important instrument of U.S. policy in our hemisphere; and I commend Congress for its farsighted action on this issue.

The bill also is commendable for stepping up the process of raising the quality of life for all Americans who are serving in our military and for those who faithfully served in the past. This includes the health care benefits for our veterans. And for active duty personnel, it includes a pay raise, new housing facilities and allowances, new reenlistment incentives, new child care centers, new educational assistance and establishment of a thrift savings plan, not to mention the funding for new equipment and weaponry that will greatly improve working conditions and our readiness.

Mr. Speaker, this bill keeps our country moving in the right direction, and I urge all of our colleagues to give it their full support by voting for this rule and voting for the bill.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman (Mrs. MYRICK) for yielding me the time.

Mr. Speaker, I rise in strong support of the rule for the Fiscal Year 2001 Floyd D. Spence Defense Authorization Act.

Mr. Speaker, as a member of the conference, I am proud of the bipartisan bill the House and Senate agreed upon. Over the last 8 years, the Clinton-Gore administration has cut defense spending to historic lows. In fact, the Service Chiefs have testified that there is still a mismatch between resources and requirements. The services are migrating funds from modernization accounts to operations and support accounts to maintain current readiness.

This bill tries to lessen the current Clinton-Gore impact on long-term readiness by increasing procurement accounts by $2.6 billion and increasing research and development accounts by $1 billion.

The bill includes $688.6 million for the Joint Strike Fighter. Boeing recently flew their concept demonstrator at Edwards Air Force Base, and their competitor, Lockheed Martin, is scheduled to fly their version later this month.

We have included language in the bill which will require the Department of Defense to perform a cost study of final assembly and checkout alternatives for the Joint Strike Fighter program. Studies have been done that show that $2.2 billion can be saved by building the Joint Strike Fighter in California. The Joint Strike Fighter may be the last manned fighter ever built and is expected to be the fighter of choice by all three services and our allies, as well. The Joint Strike Fighter is important to our defense and to our economy.

Also included is $115.3 million for research and development to modify the B–2 fleet. The B–2 Spirit of America is the Air Force's only all-weather, stealth, long-range bomber. The funds will be used to enhance the B–2 capabilities making it far more capable even than it was in Allied Force.

A Link 16 and Center instrument display will give connectivity for in-flight re-planning. New bomb racks to carry state-of-the-art weapons will increase its lethality, and maintainability upgrades will increase its survivability.

These are just a few examples of modernization efforts we have funded this year. Others have spoken of other

things we have done to improve our readiness and enhance the quality of life for our troops. This is a good bill and a good rule, and I urge all my colleagues to support it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I support this rule. I also will support the conference report.

The conference report does include some things that I do not like. It omits some things also that I think should been included, especially the hate-crimes provisions that were in the Senate bill and that the House instructed the conferees to accept.

But I will support it because it includes vital legislation to set up a system of compensation and care for current and former nuclear weapons workers made sick by on-the-job exposure to radiation, beryllium, and other dangers.

This has been a priority for me. For over a year, I have been working with colleagues from both sides of the aisle to achieve its enactment, and I am very pleased that the House today will be voting on it.

This is a very important matter for our country. It is particularly important for many Coloradans because our State is home to the Rocky Flats site, which for decades was a key part of the nuclear weapons complex.

Now that that site's military mission has ended and we are working hard to have Rocky Flats cleaned up and closed, we need to work just as hard to take care of the people who worked there.

The people who worked at Rocky Flats and the other nuclear weapons sites were part of our country's defense just as much as those who wore the uniform of an armed service. They may not have been exposed to hostile fire, but they were exposed to radiation and beryllium and many other hazardous substances. And because of that, many have developed very serious illnesses while others will develop such illnesses in the future.

Unfortunately, they have not been eligible for veterans' benefits and they will be excluded from other programs because they technically worked for DOE contractors and for far too long the Government was not on their side.

To explain what I mean, let me summarize part of a recent statement by Dr. Lee Newman as it affects nuclear weapons workers. Dr. Newman says these workers were ''failed by the Federal Government in at least eight ways.''

The Federal Government failed to adequately warn them. The Government failed to adequately protect them. The Government failed to institute medical monitoring. The Government failed to support investigation of a beryllium disease epidemic affecting them. The Government failed to support compensation claims they filed. The Government failed to do enough to reduce exposure, provide education, and detect early disease. The Government failed to support adequate research on treatment. And the Government failed to study and act on other occupation illnesses, including ones now covered by the conference report now before us.

Now, the good news is that things have changed. Secretary Richardson and the administration have reversed a decades-old policy of opposing workers' claims. Now we in the Congress need to finish the job. Today, by approving the conference report, we can start to do just that.

I am not saying this is perfect legislation. In fact, I think it can be further refined to include wages that workers lost because of these illnesses. But we are nearing the end of this Congress and time is of the essence, so we should adopt this rule and pass the conference report in order to take this essential first step.

Mr. Speaker, we must pass this conference report today.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I, like others, rise in strong support of this Fiscal Year 2001 Department of Defense conference report.

I support this bill because we must reverse the downward spiral in defense spending that we have seen for more than a decade. That spiral has seriously undermined our readiness, modernization, recruitment, and retention efforts.

It has been my honor to represent the men and women serving in the military at Ft. Campbell, Kentucky. This legislation is important to them because it provides those soldiers a 3.7 percent pay raise and provides up to $500 a month to assist soldiers and families who are forced to live on food stamps.

For our military retirees, this bill finally fulfills the promise made when they joined the service years ago. It guarantees a lifetime health care benefit for all retirees and their eligible family members. For Department of Energy contract and vendor employees, this bill establishes the first Federal program to compensate workers who have or will contract beryllium disease or certain cancers resulting from radiation exposure.

At a minimum, workers will be entitled to a $150,000 lump sum payment plus medical expenses. For the employees that I represent at that Paducah Gaseous Diffusion Plant who have been unknowingly exposed to contaminated uranium, plutonium, neptunium, and other hazardous substances while producing the materials needed to sustain our nuclear weapons arsenal throughout the Cold War, approval of this compensation package was a hard-fought and long-overdue victory.

□ 1115

I want to thank the gentleman from South Carolina (Mr. SPENCE), the gentleman from California (Mr. HUNTER), and all of those on both sides of the aisle who worked on this important compensation package, the gentleman from Tennessee (Mr. WAMP), the gentleman from South Carolina (Mr. GRAHAM) on our side, the gentleman from Colorado (Mr. UDALL), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI) and others. This is an important piece of legislation. It corrects some long overdue inequities.

I urge all of my colleagues to support this Department of Defense conference report.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, as a member of the Committee on Armed Services, I rise in strong support of the National Defense Authorization Conference Report, H.R. 4205. I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), subcommittee chairs, ranking members and all committee staff who have worked so hard to get this bill ready.

This year's bill makes great strides towards improving modernization, quality of life and military readiness. First, military health care is getting on the right track, but there is still a lot we need to do. Second, recruiting and retention are showing signs of improvement, but it will be a constant challenge during strong economies and changing demographics.

One area that I have been working on is to better inform our service members about the true value of the total compensation that they get in the military. If younger service members fully understand the value of all their benefits, then they may opt to stay in military service more often.

Third, I would like to commend the committee on their work in improving the research and development accounts, specifically science and technology. R&D is the future of this Nation's defense. We should not shortchange our future to fund today. Research and development is critical because it maintains our technological edge and helps our service people with the growing and changing needs of our national security.

Finally, I would like to commend the committee for looking at California as a potential production site for the Joint Strike Fighter. Building the Joint Strike Fighter in California would save taxpayers billions of dollars

through State-sponsored economic incentives and by using existing production facilities. If we are asking taxpayers to support the best manned, equipped, and trained fighting force in the world, actually in the history of the world, then we must ensure that it is as cost effective as possible for taxpayers.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I note with dismay but unfortunately not with surprise that the hate crimes bill which got a majority vote in both houses is absent from this bill.

Let me say we have seen this scenario before, Mr. Speaker. A majority vote, according to the rules, for a certain result and the people in power blatantly ignore the wishes of the majority. Now, that describes two recent situations: the Serbian presidential election and the conference committee on the defense bill. In the case of the Serbian election, when the Milosevic regime refused to pay attention to majority rule, the people found a way to remedy it. Here, a majority in both houses voted, a significant majority, for the hate crimes bill. Yet the people in power, emulating Milosevic, have decided to repudiate the results of the election. I hope a similar result will ensue.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of both the rule and the conference report for the Floyd Spence National Defense Authorization for Fiscal Year 2001.

First let me congratulate Chairman SPENCE, Ranking Member IKE SKELTON, and all the conferees for their hard work and dedication to the men and women who serve in our armed forces.

I know that this was a difficult conference, with many hard issues to resolve, however the end product before us today has certainly been worth the wait.

Mr. Speaker, I am specially grateful to the conferees for including important provisions, which address the needs of thousands of workers, including workers in my home state of Ohio, who were exposed to dangerous levels of radiation, beryllium, and other toxic substances while working on our nation's nuclear weapons programs.

While these workers never served in our military, they nevertheless helped us to win the Cold War.

Sadly, many of these workers today are suffering from debilitating diseases directly related to plant conditions.

The compensation package, included in this conference report represents a major step in recognizing their service and will provide needed help and assistance to these individuals and their families, who are suffering from illness due to exposure.

Mr. Speaker, I would also like to commend the conferees for helping to keep our promise to our military retirees, their families, and their survivors by: Restoring military healthcare as a benefit for life; Providing comprehensive pharmacy benefits; Extending the Tricare Senior Prime Program; and, Reducing the healthcare "out of pocket" expenses for all our military retirees from $7,500 to just $3,000.

We can never fully repay the debt of gratitude we own the men and women who freely choose to serve in our armed forces.

However, these needed provisions maintain our commitment, improve their quality of life, and will truly make a difference in the lives of those who served and sacrificed for our nation with honor and distinction.

I urge all my colleagues to support this rule and this very important conference report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 616, I call up the conference report on the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to House Resolution 616, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 6, 2000 at page H9053.)

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

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

Mr. Speaker, the fiscal year 2001 defense authorization bill has been a bipartisan effort from start to finish. In May, the bill was reported out of the Committee on Armed Services on a vote of 56–1. Later in May, the bill passed the House on a vote of 353–63. Now, I am pleased to report that all Armed Services Committee conferees in both the House and the Senate have chosen to sign this conference report in the latest reflection of the broad bipartisan support for this legislation.

This is not to mean that this has been an easy process. We faced having to reach agreement on over 800 legislative provisions, dealing with a broad range of topics, many having little or nothing to do with defense. However, with the strong cooperation of all Members on both sides of the aisle and a determination to once again complete our work prior to adjournment, we are able to present to the House a strong agreement that furthers the national security of this Nation.

Mr. Speaker, this legislation represents 6 years in a row that Congress has increased the level of defense spending requested by the President. Consistent with the budget resolution, this bill authorizes $4.5 billion above the budget request in order to address urgent shortfalls in key readiness problems, modernization and personnel accounts. The four military service chiefs, in testimony before the Armed Services Committees, have repeatedly itemized these shortfalls in great detail. While this bill will not eliminate these shortfalls, it will go a significant way toward addressing the most urgent of these requirements.

I have said many a time that we are facing a military crisis in this country. Notwithstanding the efforts of Congress, the readiness and combat effectiveness of our Armed Forces continue to decline. Irrespective of who wins the election in November, America faces a fundamental national security choice next year. Either we accept our role as the sole global superpower and step up and provide our military with the associated necessary resources, or we decline this difficult responsibility and start to walk away. I believe the choice should be clear, but continuing to attempt to fulfill our superpower responsibilities on the cheap is simply no longer an option. We are running our military into the ground, continuing to lose our most valuable national resource, our men and women in uniform, and falling further behind the urgent need to recapitalize the force.

With that admonition, Mr. Speaker, I want to briefly cover two aspects of the conference report that deserve particular attention. Others will highlight the other important provisions in the conference report.

First, this bill continues the work started by Congress last year in addressing the serious problem facing our military retiree programs. Last year, we successfully reformed the military retirement system and restored confidence in a program that had lost its appeal in attracting and retaining our best and brightest Americans into military service. This year, we continued this support by tackling an even thornier problem, the military health care system, and, in particular, access to adequate health care by the oldest portion of our military retirees, those who currently lose access to military care when they become eligible for Medicare.

This conference report allows Congress to finally fulfill the pledge given to millions of military retirees that they would receive lifetime medical coverage in exchange for their selfless military service to the Nation. The conference agreement would establish

a permanent program for all Medicare eligible military retirees and dependents to receive lifetime coverage under the TRICARE health care program. The bill would also provide a much-needed expansion of prescription drug coverage to ensure that all retirees have full access to this critical military benefit.

Finally, the conference agreement recognizes the need to continue to aggressively improve the TRICARE system program as it takes on an expanded beneficiary population.

Mr. Speaker, the second area I wanted to briefly cover involves the difficult question of how best to compensate Department of Energy and contractor employees suffering from the ill effects of exposure to radiation and other hazardous substances. This becomes one of the most difficult issues in conference and it raises a series of very complex and difficult policy questions. However, I am pleased to note that the conference agreement includes landmark legislation establishing a new energy employees occupational illness compensation program. This program establishes statutory eligibility for workers exposed to radiation, beryllium and silica in the course of carrying out their work in the United States nuclear weapons complex. I believe this is a just and fitting response by Congress to the tragic situation facing these courageous Americans who played an important but often unrecognized role in helping us win the Cold War.

Mr. Speaker, this conference report is a result of hundreds of compromises with the Senate. In this regard, the outcomes are not all what we would like them to be. However, it remains a sound and balanced proposal that deserves the full support of my colleagues. That is what conferences are all about, compromise. We are able to bring this legislation today before us as a result of the hard work and commitment to success by all conferees in both parties on both sides of the aisle, from both houses. In particular, the critical roles played by the Committee on Armed Services subcommittee and panel chairmen and ranking members deserve mention. We unfortunately lost our good friend and Readiness Subcommittee chairman Herb Bateman before we began the final work on our bill. But Herb's characteristic imprints are all over this bill and its many provisions to shore up sagging military readiness. I also want to thank my friend, the gentleman from Missouri (Mr. SKELTON), for another very productive effort in guiding this bill through the process in an open and bipartisan fashion. In our committee, bipartisanship is not merely talk. It is the only way to approach the very difficult national security issues we must address.

I also want to thank Chairman WARNER and his colleagues on the Senate Armed Services Committee for sharing our mutual commitment to complete the conference report in spite of overwhelming odds. It is this continued bipartisan and bicameral commitment that allows Congress to provide this critical legislation every year.

Finally, I want to single out the extraordinary efforts of my friend and colleague the gentlewoman from Jacksonville, FL (Mrs. FOWLER) who as a senior member of the committee and of the House leadership team has been an indispensable ally in helping us arrive at the best possible outcomes on so many issues.

Mr. Speaker, this legislation is important to our troops, to our military families, to our military retirees, and to the continued protection of our national security. It deserves a strong vote of confidence in this body. I would ask my colleagues to vote accordingly.

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

Mr. SKELTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

□ 1130

It is appropriate that this bill has been named in honor of our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE). I want to commend him for his leadership throughout the long and sometimes difficult deliberations on this legislation. We produced an excellent bill for national defense, and this conference report deserves the support of all the Members in the House.

This conference report builds upon the President's budget proposal for defense and makes important improvements in military quality of life, readiness, and modernization programs. Moreover, this bill will keep the promise of lifetime health care for all military retirees. We have been working to make this the year of military health care, and I am proud of those Members of our committee on both sides of the aisle who worked so diligently to improve health care for our military retirees, as well as for the active duty service members and their families.

I want to especially recognize the efforts of the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE), the chairman and ranking member of our Subcommittee on Military Personnel, and the gentleman from Mississippi (Mr. TAYLOR), who has been a leader in this effort from the beginning.

For military retirees, the conference report provides permanent medical coverage under TRICARE for military retirees over age 65; expands and makes permanent TRICARE Senior Prime, also known as Medicare Subvention, provided Congress approves a new agreement; establishes a permanent pharmacy benefit with access to the national mail order program and retail pharmacies; and reduces catastrophic expenses from $7,500 to $3,000 for retired TRICARE beneficiaries.

Mr. Speaker, for active duty service members and their families, the conference report provides TRICARE Prime Remote to active duty family members; eliminates copayments for active duty family members in TRICARE Prime and TRICARE Prime Remote; phases in chiropractic care to active duty personnel; reimburses certain travel expenses for military families who must travel to a referred specialist; eliminates certain referral requirements for specialty care; and improves TRICARE claims processing and reduces costs.

In addition to these health care improvements, I am pleased that the conference report includes increases in funding for the procurement of weapons, ammunition and equipment, for research and development, and for operations and maintenance.

The conference report supports the important Army transformation initiative, recognizing the need for the Army to build a medium weight force that is capable of quickly deploying to a full spectrum of contingencies.

Mr. Speaker, I am pleased that this conference report includes authorization for the Energy Employees' Occupational Illness Compensation Program. This program will help compensate those thousands of workers who become ill from exposure to dangerous levels of radiation, beryllium, and other toxic substances while they worked in our Nation's nuclear weapons programs. These workers are the unsung heroes of our victory in the Cold War, and it is only appropriate that we acknowledge their sacrifice and compensate them for their illnesses.

Mr. Speaker, this conference report is the result of cooperation and compromise between the House and the Senate and between Members of both sides of the aisle. It deserves strong bipartisan support, and I urge all Members to vote for the approval of this conference report, which is named appropriately so for our chairman, the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I thank the chairman, the gentleman from South Carolina (Mr. SPENCE), for yielding me this time.

Mr. Speaker, I want to congratulate the gentleman from South Carolina (Mr. SPENCE) also for his great leadership in maneuvering this bill through

some pretty tough waters here in the last several weeks, and the gentleman from Missouri (Mr. SKELTON) for his leadership; and also for my ranking member, the gentleman from Virginia (Mr. SISISKY), who worked as my partner to help put together the procurement package that is manifest in this bill.

Mr. Speaker, let me just run over a few things that we did for the services. The Army General Shinseki needed a light armored force that could be quickly moved around the world to react to emergencies. We do not have that capability right now. We have heavy armor, and we have soft bodies in the airborne groups. We do not have that ability to move a light armor around; and he is working to develop that transformed Army, and we rewarded his initiative with some money to put these first several brigades of new Army units together.

He is moving out on that program. With respect to the Navy, we preserved the option to keep some 688 submarines that otherwise would be junked or retired because of refueling costs. We put in money to refuel them so we can get that attack submarine force up from the 56 or so boats that we have now up to around 65 or 70.

With respect to the Air Force, we reinstated the caps for the F–22; but we gave a little breathing room, a percent and a half of breathing room, for EMD so they can have a robust testing and manufacturing program for the F–22. We think that is important for the Air Force.

Now we still have major problems with procurement, and we are spending $30 billion too little annually to upgrade the force structure that we have now to keep modern equipment in the force structure that we have now.

The Joint Chiefs testified the other day, General Shinseki, that we are $3 billion short on critical ammunition supplies for the Army. The CNO testified that we have about a 50 percent shortage of Tomahawk missiles and the Air Force said we are 50 percent short of munitions. We have a lot of ground to make up. We are going to try to do that in the next year or so, but this was a good bipartisan bill and a good start.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, my colleague and friend, the gentleman from California (Mr. HUNTER), did not tell the whole story; but this conference report includes over $63 billion for procurement. That is a lot of money, but I believe it gets America more than the number might indicate. In fact, I would call this America's first true post-Cold War defense budget.

The reduction in the size of our military forces begun in 1990 is largely complete. Troop numbers are stable, and this year's authorization uses the power of technology to equip those forces to do a more effective job and with less risk to our troops. It begins to outfit those troops to meet the missions they are likely to face today and tomorrow. We authorize and fully fund the Army's bold effort to become faster and more mobile without losing its punch. The Air Force will move into the 21st century with the immensely capable F–22 fighter; and the Navy gets new technology, ships and creative ways to buy them that will defend the taxpayers' wallets.

The procurement program in this bill does not provide all the answers, but it should eliminate a lot of questions about whether America's military is ready for today's challenges.

Finally, let me commend my friend and subcommittee chairman, the gentleman from California (Mr. HUNTER), for the cooperation he and the staff showed in putting our title together. I commend to the attention of other Members the fact that the staff of the Committee on Armed Services is bipartisan in intent and in effect. In large part, this is why this bill turned out so well for the country and for Members interested in national defense.

The bottom line is, we must never forget why we are here and what this bill is really for. This bill supports the great young military men and women who protect our freedom. It provides equipment and training, keeps commitments for health care and supports their families. I ask all my colleagues to support this conference report.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), for the purpose of a colloquy.

Mr. BARTON of Texas. Mr. Speaker, this will be very brief also. I want to clarify an aspect of section 3303 of the conference report which provides in part for the cleanup of uranium mill tailings from the former Atlas uranium mine.

The bill language directs the Secretary of Energy to prepare a remediation plan with the help of the National Academy of Sciences to determine the right way to remediate this site. Elsewhere in this provision is other bill language which appears to define remediation as being relocation of the tailings pile. I am concerned that someone might view this language as authorizing removal of the tailings pile regardless of the findings of the NAS or the remediation plan developed by the Secretary.

My understanding is that we are authorizing an objective threshold determination by the Secretary of Energy, with the advice of the National Academy of Sciences, on whether or not the Atlas pile needs to be moved, and that only if a determination to move the pile is made would the condition apply that the pile must be moved out of the Colorado floodplain to another location in the State of Utah.

Is this the understanding of the gentleman of how this provision will operate?

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

Mr. BARTON of Texas. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I want to thank the gentleman from Texas (Mr. BARTON) for his inquiry.

Mr. Speaker, the gentleman is correct. We expect the Secretary will develop a remediation plan that fully considers the recommendation of the National Academy of Sciences in order to reach an objective determination by the Secretary on whether the pile should be relocated or simply treated in place.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on Armed Services for his response.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Speaker, I want to say I adopt the remarks made by the ranking member and the chairman as well as my friend, the gentleman from Virginia (Mr. SISISKY), with respect to this bill. I am a strong supporter of its provisions as it deals with readiness and as it deals with quality of life for our members of the armed services.

I want to talk about really an extraneous provision on this bill which I am very pleased with. The National Commission on Fire Prevention and Control issued a report in 1973 called America Burning. For the Fire Service, this was a turning point in its 350-year history. This is another turning point. The fire package attached to this conference report is a scaled-back version of legislation offered by my good friend, the gentleman from New Jersey (Mr. PASCRELL). The gentleman from New Jersey (Mr. PASCRELL) has championed his fire act tirelessly for the past 2 years. Some told the gentleman from New Jersey (Mr. PASCRELL) that it would not happen.

I note that on the floor today, as well, is my good friend, the gentleman from Pennsylvania (Mr. WELDON), who cochairs the Fire Service Caucus with me. He and I are still working on getting an additional $100 million in emergency funds available for our fire fighters.

To the credit of the gentleman from New Jersey (Mr. PASCRELL), he never lost faith. He pushed and working together with all of us in the Fire Service Caucus, and I note the gentleman from New Jersey (Mr. ANDREWS) is also on the floor with me. We have one of the finest pieces of legislation for fire fighters this Congress has ever passed,

and I thank the chairman. I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and Senator WARNER as well, for their leadership and help on this, and congratulate the gentleman from Pennsylvania (Mr. WELDON) for his work on this as well.

To his credit, he never lost faith. He pushed, cajoled, and lobbied tirelessly to move his legislation forward. As a cochair of the Fire Caucus I would like to thank him, the Fire Service organizations and literally thousands of fire fighters from across the Nation for all their hard work.

I would also like to thank my fellow cochairs ROB ANDREWS, CURT WELDON, and SHERRY BOEHLERT for all their leadership on this issue.

Mr. Speaker, as I said before this is a watershed moment for the Fire Service and I urge all my colleagues to support the conference report.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, first of all, I want to thank our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), for this conference report. No one has done more in this Congress over the past 6 years and beyond on behalf of America's national security than the gentleman from South Carolina (Mr. SPENCE). He has been a tireless advocate for our military, and it is appropriate that we name this bill in his honor. It has been my pleasure and honor to serve with him and under him.

Equally, I am proud to serve with the gentleman from Missouri (Mr. SKELTON), a real gentleman and someone who is always doing what is best for our service personnel. I want to pay special attention to those Members who will not be coming back with us. We lost Herb Bateman this year, one of our real giants in the Congress. We all miss him because of his leadership on defense issues.

I want to add our thanks to the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Ohio (Mr. KASICH) for their service on the committee, but I want to especially single out my good friend, the gentleman from Virginia (Mr. PICKETT). He has been my ranking member on the subcommittee for 6 years. I am proud of the fact that we have never had a split vote on any issue in 6 years. Now, that speaks to how we can work together with almost 30 members of the committee on issues that are important to America's security.

I thank the gentleman from Virginia (Mr. PICKETT) for being an outstanding American. I appreciate his work.

In terms of the overall bill and R&D, we made the best of a bad situation. In my opinion, this bill is not adequate to meet the defense needs when we couple the decreasing defense spending with massively increasing use of our troops and a total disregard for proliferation. Therefore, our rogue state enemies have technologies that we did not expect them to have for 15 or 20 years because arms control agreements have not been enforced. In the R&D area, the administration cut R&D spending by 25 percent over the last 8 years. We have gradually tried to reverse that. This year's bill adds a billion dollars under the R&D account lines.

□ 1145

We focus on the three newest threats that we see emerging in the 21st century:

One, the threat of missile proliferation. We increase funding for both theater missile defense and national missile defense;

Two, the threat from the use of weapons of mass destruction, and we increase funding significantly in that area;

Finally, the threat from information warfare or cyberterrorism. We increase funding in that area. We created a special core of young people to deal with the issue of information dominance and cyberterrorism.

We also deal with the issue of establishing a Federal-wide national data fusion center.

Several Members have talked about an add-on to the bill. Contrary to what has been said, it was an entirely new initiative for our domestic defenders. It has not just one part, but seven key parts.

First of all, it takes technology from the military and establishes a deliberate mechanism with the fire service groups to transfer that technology to our domestic defenders.

Number two, it elevates our fire and EMS community to get first access to surplus equipment that the military no longer has a need of.

Number three, it includes the bill authored by the gentleman from Texas (Mr. BRADY), our good friend, which I cosponsored with him, to deal with a $10 million authorization for Hepatitis C demonstration projects in both our cities and within the military emergency response community.

Number four, it has the military look at the whole access of frequency spectrum, and to deal with that.

It also includes a provision for funding.

These are all new initiatives. It is the domestic defender package. I am proud that this Congress for the first time in 40 years did something besides talk about the fire service in America.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in strong support of H.R. 4205, the Chairman Floyd Spence National Defense Authorization Act for fiscal year 2001.

I would like to thank my good friend, the gentleman from Missouri (Mr. SKELTON), the ranking member, for a good, good job, and of course the other Members and the staff.

I would be remiss if I did not acknowledge the significant contributions of our recently deceased subcommittee chairman and colleague, Herb Bateman. He contributed immeasurably to the committee, the Congress, and the Nation. Few have been willing to take the extra steps and extraordinary measures he took while serving this great Nation. We will sorely miss him.

We will also miss the active participation and support of my good friend, the gentleman from Virginia (Mr. PICKETT), the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from Missouri (Mr. TALENT), who have chosen not to return to this body next session. We wish them well.

Mr. Speaker, on balance, I believe the readiness portion of the bill is a significant and prudent step in the right direction. It is not all that I would like to see, but we could definitely not satisfy all the different requests that we had.

This year, just over $1 billion have been added to the readiness accounts. Members will find increases for those activities that contribute directly to increased readiness. Funding has been included for flying hours for the Air Force and Naval Reserve units, depot maintenance for active and reserve components, real property maintenance, the Marine Corps' corrosion control program, army range modernization, impact aid funding, cold weather equipment for personnel, and other items too numerous to mention here.

Many of the programs we were able to fund in the bill address the Services's unfunded requirements.

There are also a number of policies that will have a direct impact on readiness. For example, we tasked the Department to provide the Congress information on requirements to reduce the backlog in maintenance.

I ask my friends and colleagues to support this nonpartisan bill. It is a good bill. We request their vote.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me.

I do not believe I could take 3 minutes to describe all of the work that has been done in the personnel section of this bill, so I want to take a moment and pay some tribute and thanks.

I want to thank in particular the chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), because when the Buyer proposal to extend health care for life to the military retirees came up, they said yes. They backed it up.

Then they went to the leadership, and the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, said yes, and put the pressure then on the Senate; not that the Senate did not particularly want to go in that direction. They have their own problems in the Senate. But in fact, the conference committee came together, and we are keeping faith with America's veterans.

Let us talk about motive for a moment. I am going to make an appeal to the country. Why should we be doing this? I think it is very simple. The motivation behind my efforts is this: When I think of the World War II and the Korean War veterans, who are now over 65, they fought for freedom.

They were truly crusaders. They fought for no bounty of their own. They protected the borders and the interests of our Nation, as they also sought freedom for people around the world. Yet, when they came home and then they retired, and now they are over 65, they are not free. How ironic that those who fought for freedom are not free.

People say, ''What do you mean, Steve, they are not free?'' They do not have freedom of movement. They retired next to a medical treatment facility. Then we go through a base closure, and then all of a sudden they lose that retirement benefit.

This bill gives freedom, freedom to those who fought for it. They now do not have to live next to a military medical treatment facility. They can live anywhere they choose around the country. If they want to go now to be with their children so they can spend out the years with their grandchildren, they can do it.

We also included in here a pharmacy benefit that is an earned benefit. What we sought to do is to give that over 65 military retiree the greatest arena of choice. So now they can go to the medical treatment facility for their drugs if they like, they can utilize the mail order pharmacy. We have a retail network. Then if they do not like the formulary, the list of those drugs, they can even go to an out-of-retail network.

I am going to throw a caveat out here on all the good things we have done on health care. I am going to speak directly now to the seniors who are about to use this program. There are no co-pays and there are no deductibles. If the utilization rates get out of whack, we are going to come back here and impose co-pays and deductibles. They have been extended by this Congress as an earned yet generous benefit. Do not abuse it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PICKETT), who has chosen to leave this body, but leaves a tremendous record of service to our Nation.

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the kind remarks from the gentleman from Missouri (Mr. SKELTON). I also want to thank the gentleman from South Carolina (Chairman SPENCE) for his leadership on the Committee on Armed Services, and particularly I want to thank the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for being such a pleasure to work with on this subcommittee.

The conferees are to be commended for this conference report, and in particular, for the military research and development program. The level of authorization for R&D provided over and above the administration's request, some $1 billion more, provides an impressive total of $38.8 billion for research, development, tests, and evaluation. The report strikes an excellent balance between mature R&D programs and investment for additional leap-ahead technologies.

Major programs, such as the F–22 Raptor, Comanche, and Army Transformation Plan, will continue as programmed. In addition, the report deals responsibly with the Joint Strike Fighter program, given recent program slippage, and also robustly funds anti-submarine warfare initiatives.

The outcome for the DD–21 program should give the Department ample room to make successful adjustments in this program. Investments for leap-ahead technologies included in this conference report represent an even greater commitment to confront the evolving asymmetrical threats of the future.

The conferees agreed to provide additional assistance for combatting terrorism, for overhead reconnaissance capabilities, and for enhancing the security measures for information systems.

Other provisions also provided additional investments for an assortment of promising battle management systems, next-generation night vision capabilities, radars, lasers, and sensors.

This is a conference report that strikes a constructive balance between short-term and long-term investments. I urge its adoption.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise to express my strong support for the conference report on the fiscal year 2001 defense authorization bill. This will be my last time to come to the well to support a defense authorization bill. This is the eighth one in my eighth year, and this is one of the best we have had.

I want to thank the generous and kind remarks that were made by my chairman and some of the members of the Committee.

I first want to pay tribute, again, to a really dear departed colleague, Herb Bateman, who worked so hard on the readiness portion of this bill. Herb's contributions to this legislation were critical, and this bill may be the best evidence ever of his unyielding commitment to our Nation's military readiness and our men and women in uniform.

Mr. Speaker, make no mistake about it, we do have a readiness crisis in our military today. Last year, during a visit to Naval Air Station Jacksonville, I learned that only four of 21 P–3 aircraft based there could even get off the ground due to spare parts shortages and other maintenance shortfalls.

I checked back on the status of the wing just last month, a year later, to see how many of those aircraft now were rated mission capable. The number had risen. Now seven out of the 21 could fly, but of those seven, only two were fully mission capable.

Meanwhile, this administration's own Defense Science Board Task Force on Quality of Life has found that the majority of our military and family housing is unsuitable. The current Navy building replacement rate is roughly 175 years. In the Air Force alone today, we have a real property maintenance backlog of some $4.3 billion. Our most recent readiness reports indicate that over half of the Army's combat training centers scored the lowest possible rating, a C–4.

I want to just quote a General commanding one of those elite training schools: ''This mode of operation cannot be sustained another year without incurring unacceptable safety risks and severe training quality degradation.''

These are not the exceptions, these are the rule. They should remain troubling to every Member of this body. This outstanding bill goes to correct some of these troubling readiness issues.

Among other things, this bill would authorize a $1 billion increase in funding for critical readiness accounts, including an additional $335 million for Depot Maintenance; $223 million for spare parts; and $428 million for real property maintenance. These budget adjustments reflect badly needed increases to deal with serious readiness problems facing our military today.

Aside from authorizing key programs, this bill contains many important policy measures aimed at improving our ability to track military readiness. Moreover, the bill includes a modified version of H.R. 3616, the Impact Aid Reauthorization Act of 2000, including provisions to speed payments to heavily impacted school districts, authorize the Secretary of Education to provide grants to school districts unable to raise funds through local bond efforts to renovate and repair schools, and other key steps.

This outstanding bill strongly merits the House's support. It contains landmark legislation to provide health care and pharmacy benefits to our military retirees, addresses the health care needs of our nation's nuclear workers, and achieves significant savings through multiyear procurement authorities. It is

a fitting tribute to the man for whom it is named, Armed Services Committee chairman FLOYD D. SPENCE, who has labored tirelessly for months to produce the excellent bill before us today. I also would take a moment to express my deepest appreciation to the committee staff for their hard work. I urge adoption of this outstanding legislation.

Mr. Speaker, this bill merits the House support.

I want to thank the chairman, who has worked tirelessly to bring this bill to the floor and for whom it is named, the gentleman from South Carolina (Mr. SPENCE). He has spent many hours on this.

I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for all his hard work.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), who did so very much to further the health care issue along that is reflected in this legislation.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to remind the previous speaker and every speaker, every person who serves in this body, that Article 1, Section 8 of the Constitution says it is Congress' job to provide for the national defense. It goes on to say in Article 1, Section 9 of the Constitution that no money may be drawn from the Treasury except by consequence of an appropriation by Congress.

If there are too few ships, if there are too few planes, if the people are underpaid, living in poor housing, it is because Congress has failed its job. It is that simple.

Mr. Speaker, the day the Republican majority took over Congress, there were 392 ships. At this date, it is 318. In the last 6 years the Democrats ran the House, there were 56 ships put in the budget. In the past 6 years, the Republican Congress has put in 33.

□ 1200

We have done some great things on health care. We have done some great things on other things, but there is a heck of a lot of work to be done. Tonight there will be a presidential debate. Both candidates will unfortunately spend all their time talking about tax breaks of a nonexistent surplus.

Mr. Speaker, I would remind them that until we get kids out of 30-year-old helicopters, till we get those young Americans who are serving our country out of 30-year-old airplanes, until we get to a point where we are going to have more than a 200-ship Navy, because at the present procurement rates, that is where we are going to be at no time at all, then there is no money for tax breaks, because the highest priority for this Nation, the highest priority for this Congress should and must always be to provide for the common defense.

Mr. Speaker, I am going to vote for this bill because it does a lot of good things, but before one of my colleagues comes to this floor and says we have plenty of money for tax breaks, let me remind them of all the work that still remains to be done.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the chairman of our Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this legislation, which is very aptly named for the distinguished gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, and I want to congratulate the gentleman for the hard work he has put into this.

This is, as has just been pointed out by statements that have been made here, a measure that enjoys bipartisan support. We are extremely proud over the past several years we have been able to take on this issue of rebuilding our national defense. It has been a very high priority. It was stated here very clearly by the gentleman from Illinois (Speaker HASTERT) at the beginning of the 106th Congress that as we looked at the four issues with which we were going to deal, improving public education, providing tax relief to working families, saving Social Security and Medicare, clearly, as has been pointed out, rebuilding our Nation's capability has been a top priority. That is exactly what this legislation and the conference report which we are considering will be doing.

Mr. Speaker, I would like to especially express my appreciation for a very important provision in this measure which deals with the issue of exportation of the export of computers. I believe that we have come to a very important compromise on this, which does reduce the time level, but at the same time, underscores our commitment to our national defense. I appreciate my colleagues for doing that, and I thank the gentleman from Missouri (Mr. SKELTON) for joining with me in that effort.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), who is in the forefront of the military retiree effort, the ranking member of the Subcommittee on Military Personnel.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the conference report for the Floyd D. Spence National Defense Authorization Act. I say to the gentleman from South Carolina (Mr. SPENCE), I like the sound of that title. I urge my colleagues to support this important measure.

I want to recognize the gentleman from South Carolina (Chairman SPENCE) for his leadership and stewardship of the past several years. While he will step down as chairman next year, I know that he will continue to contribute to the committee's efforts to improve the quality of life for our service members and their families and provide for a strong national defense.

I would also like to acknowledge the gentleman from Missouri (Mr. SKELTON), the ranking member, for his guidance and leadership. Both individuals have placed the security of our country above partisan struggle and have continued the committee's tradition of bipartisanship and cooperation.

As the ranking member of the Subcommittee on Military Personnel, I am proud to say that the conference agreement before us includes quite a list of accomplishments in the personnel arena. We are sending a strong signal to the men and women in uniform that we have listened to their concerns about their need to provide for a quality of life for themselves and their families, and we have taken the steps to address those concerns.

I also am particularly pleased that a number of health care provisions that I proposed have been adopted. I want to recognize the efforts of the Subcommittee on Military Personnel chairman, the gentleman from Indiana (Mr. BUYER), for his dedication and commitment to improving the lives of our service members.

Working together, and I want to emphasize that point, Mr. Speaker, working together, we have made major strides in providing for our service members, retirees, and their families.

Finally, I would like to thank the full committee staff and, in particular, the Subcommittee on Military Personnel staff, including Debra Wada, Nancy Warner, John Chapla, Mike Higgins and Ed Eyatt. It is a terrific team, Mr. Speaker, one that this body can be proud of; and it exemplifies the kind of staff work that the entire community of people throughout the United States can be proud of. The scope of their assistance is immeasurable.

Let me conclude, Mr. Speaker, by referring to one of the most important aspects of the bill, which is the promise that we keep our Medicare-eligible military retirees to restore access to lifetime military health care. The gentleman from Indiana (Mr. BUYER) has gone into this in some detail.

The conference agreement allows the Medicare-eligible retirees who are currently forced out of the system when they turn 65 to continue their coverage under TRICARE. Mr. Speaker, I realize I am at the end of my remarks, but I would like to emphasize as I close that the bipartisanship that we have enjoyed I hope will continue regardless of what happens in November, and I for one am pledged to it.

Mr. SPENCE. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I feel it is necessary to remind our colleagues that it was the administration that cut the defense

budget and this Congress has added back $60 billion over the past 5 years, and we still need to do more.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), who is the chairman of our DOE panel.

Mr. THORNBERRY. Mr. Speaker, I rise in support of this conference report, but I also rise in appreciation of the work of the gentleman from South Carolina (Chairman SPENCE) as he has guided this committee over the last 6 years. I think it is fitting to honor him in the title of this bill, which helps make our country stronger and safer, because that is exactly what he has done as well.

Mr. Speaker, as we have heard, this bill takes a big step forward towards keeping our commitment to military retirees. I think it is the most significant progress we have made towards keeping that commitment. The bill also does right by those who have served our country in the nuclear weapons complex, and I would like to particularly thank two of my constituents, Mr. Pete Lopez, who came to Washington from Amarillo, Texas, to help testify about that proposal, and also Frank George, who has helped guide us to make sure that we did something that really helped.

This bill also includes some refinements of the National Nuclear Security Administration, which this Congress passed last year. And I particularly would like to thank the gentlewoman from California (Mrs. TAUSCHER) and the other members of the panel who have worked over the past year to try to make sure that the law was followed and that the country's best interests were also advanced.

The panel will have a report released this week which gives full detail of our recommendations for the future; but in this bill, we prohibit dual hatting of employees by the Department of Energy and the NNSA exactly as Congress voted earlier this year.

Mr. Speaker, we also included that the NNSA administrator will be removed from political pressure and he has a specific term of years to help make sure that he can do what is right, regardless of who wins the election. We require specific budget and planning to help put some stability into the nuclear weapons complex, including in that crucial area of infrastructure.

Mr. Speaker, just within the past week or two, there has been a report released that shows our infrastructure in the nuclear weapons complex is deteriorating. This will help make sure that we do not take money out of this pile to put over here and allow our infrastructure to continue to deteriorate.

There is a lot of work left to make sure our nuclear deterrent is strong and effective, but this bill takes a step forward. I recommend it to my colleagues.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), who is a member of our committee, the Committee on Armed Services, and also ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding the time to me.

Mr. Speaker, I rise to support the conference report on H.R. 4205, and I commend my colleague from South Carolina (Chairman SPENCE) for his weeks of labor on this bill and on 29 other bills, I believe, over the 30 years that the gentleman has been here.

This bill bears his name in recognition of his years of patriotic, diligent, effective service as chairman of the Committee on Armed Services; and it is a bill worthy of his name.

Mr. Speaker, I am pleased in particular with the provisions of this bill that deal with retiree health care. I want to commend on our side, the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Mississippi (Mr. TAYLOR) for taking up this issue, pushing it, persevering and also the conferees for bringing it to fruition with a generous package of improvements to the health care we offer to our military retirees.

Mr. Speaker, I am concerned, I am concerned that these provisions by shifting so much spending from discretionary to mandatory will not leave the Pentagon with any cost-containment incentives. I think that will bear our watching and oversight in the future. But on balance, we owe it to our military retirees to continue medical coverage after the age 65.

It is an outrage that we have terminated it, and I strongly support these provisions to right that wrong.

Mr. Speaker, I rise to support the conference report on H.R. 4205. I commend my colleague from South Carolina, Chairman SPENCE, for his work on the bill. Indeed, it bears his name in recognition of his years of diligent service as Chairman of the Armed Services Committee, and it is a bill worthy of his name.

I am pleased in particular with the bill's provisions on military retiree health care. I want to commend Representatives SKELTON, ABERCROMBIE, and TAYLOR for pushing this issue early on, and the conferees for working out a generous package of improvements to the health care offered our military retirees, particularly Medicare-eligible retirees.

With passage of this bill, retirees 65 and older will no longer have to abandon doctors they have grown to know, and or be forced into HMOs or under-served Tricare networks. Instead, for the cost of their Medicare Part B premium, retirees can stay with their own doctor, and Tricare will serve as a Medigap policy, paying their co-payments and deductibles for costs Medicare does not cover.

I am concerned that these provisions do not provide the Pentagon with any cost containment incentives. But on balance, we owe it to our military retirees to continue medical coverage after they reach age 65, and I support these provisions.

While I support the provisions for military retirees and the bill overall, as Ranking Member of the Budget Committee, I must point out that this bill exceeds the budget resolution. I do not blame the Armed Services Committee for this departure. To the contrary, this bill illustrates the dangers of adopting budget resolutions that are not realistic. Just as the appropriations targets will be exceeded this year by tens of billions of dollars, this bill alone will exceed the budget resolution's mandatory allocations by $20 billion over five years. In the future, if we want our budget process to have meaning, we must be more realistic, as we were in the Democratic budget resolution I brought to the floor last March when we provided an increase of $16.3 billion for retiree health care.

The conference report also contains language recommending that the President advance Admiral Husband Kimmel and General Walter Short posthumously to their highest wartime ranks of four-star admiral and three-general. Kimmel and Short were the Hawaiian commanders scapegoated for the success of the attack on Pearl Harbor on December 7, 1941. Official investigations have exonerated them from dereliction of duty charges. Nevertheless, Kimmel and Short were singled out for exclusion from the benefits of the Officer Personnel Act of 1947, which allowed World War II flag-level and general officers the privilege of retiring at the highest rank attained during the war. This sole exclusion only perpetuates the myth of their responsibility for the disaster at Pearl Harbor.

I have worked for this issue for years. The Senate actually approved this provision last year, but it did not make the conference report. I am grateful now that we have reached a just conclusion. I want to thank Chairman SPENCE for his support, and also thanks to those in the other body who helped ensure passage of this amendment, especially Senators KENNEDY and ROTH.

In addition, the conference report includes reauthorization of an important "Buy American" provision for equipment components the Defense Logistic Agency has determined to be mission-critical: ball bearings. This standing provision of the law stood to expire this year, and I appreciate the support of Procurement Subcommittee Chairman HUNTER on this reauthorization.

These are just a few examples of the important provisions of the conference report. This conference report moves us in the right direction in regard to military personnel, readiness, modernization, and military construction. I urge my colleagues to approve it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the conference report on H.R. 4205, and I would like to especially thank the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership in providing our hard-working men and

women in uniform the tools and resources necessary to protect our national security and in providing for an intelligent, bipartisan plan for our armed forces which meets our security needs.

This agreement provides $309 billion, $4.5 billion more than requested. It provides for a 3.7 percent pay increase for military personnel in 2001 equal to the administration's request; and most significantly, it provides for lifetime health care for military retirees and their eligible family members and restores much-needed pharmacy access to all Medicare-eligible military retirees.

These new medical benefits are an entitlement finally delivering a promise made to our military retirees and frees them, as mentioned by the leadership of the Subcommittee on Military Personnel, both the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE). Finally, it frees them to move around anywhere in the country so that they can be with their families as they plan.

It also adds over $1 billion to various readiness accounts. This measure also endorses essentially the agreement between President Clinton, the Secretary of Defense, and the Puerto Rican Government regarding Vieques, including $40 million in economic assistance, an additional $50 million if the residents vote to resume live-fire training in a required referendum.

Importantly, for my people, for Guam, this provision establishes a memorial on the Federal lands near the Fena Caves in order to honor those Guamanian civilians massacred by the occupying military forces of Japan in July 1944, and it also makes a commitment to include the territories in missile defense plans, so that strategically valuable places like Guam will not be left defenseless.

Overall, H.R. 4205 is a step in the right direction for our military forces. It meets our challenges in a post-Cold War world. I encourage all Members to support this important measure.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER), a member of our Committee on Armed Services.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding the time to me.

Mr. Speaker, I rise in strong support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. And I also want to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership.

I would like to offer my best wishes to all the retiring colleagues from this committee, especially the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Virginia (Mr. PICKETT), my friend.

I want to specifically address the provisions of the act relating to the Department of Energy's National Nuclear Security Administration.

Mr. Speaker, the establishment of the Committee on Armed Services' NNSA oversight panel is a clear message of Congress' intent to more aggressively exercise its oversight responsibility in an area that is crucial to our national security.

This resurgence of meaningful interest in the DOE defense nuclear activities will have a lasting impact on an activity that has been entangled in bureaucratic kudzu since its inception.

Starting with the establishment of a 3-year term of office for the NNSA's first administrator, General Gordon, the provisions of this bill represent an important step towards building an agency that runs efficiently and that effectively protects our Nation's nuclear secrets. Within the resources available, this bill redresses issues relating to funding shortfalls in the production facilities and the laboratories.

Mr. Speaker, I am pleased that the bill includes a significant increase over the budget requests for the National Ignition Facility at Lawrence Livermore. In fact, it also provides some limited relief for the significant infrastructure improvement backlog.

Unfortunately, this bill does not provide relief for all the challenges the administration faces. I look forward to the study and enactment of specific legislation that will ease the difficulties of recruiting and retaining the world-class scientific minds that the laboratories need and this Nation deserves.

Mr. Speaker, I also want to note for the full House that the panel's accomplishments would not have been possible without the strong leadership of the panel chairman, the gentleman from Texas (Mr. THORNBERRY), and the cooperation and support of our colleagues on the panel.

Mr. Speaker, I urge my colleagues to strongly support H.R. 4205.

□ 1215

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Augusta, Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from South Carolina (Chairman SPENCE) for a job well done over the last 6 years. I thank him for fighting every day to keep our military from deteriorating and particularly thank him for this bipartisan conference report. I thank the gentleman from Missouri (Mr. SKELTON). It is enlightening to us all to see this bipartisan conference report. That may be why it is good.

There are many good reasons to vote for this particular conference report, but let me just isolate one. I do not think it is any surprise to any Member of this Congress that there has been a great deterioration in the health care benefits of our retirees.

I thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Indiana (Mr. BUYER), the gentlewoman from Florida (Mrs. FOWLER), and the gentleman from California (Mr. HUNTER) finally for helping us right some wrongs.

Today they have given us the opportunity to change direction and take the first step in fulfilling our promises we made to our Nation's retirees.

George Washington, addressing the Continental Army before a battle during the Revolution, perhaps sums up best what we owe those who serve. ''The fate of unborn millions will now depend upon God, on the courage and the conduct of the Army,'' so says George Washington.

When I think about these words and return to these words after seeing the volatile events of the 20th century, I realize they could not be more appropriate. Around the world, the courageous sacrifices of the American soldiers have lit the flame of liberty where once there was darkness and preserved this same flame within our borders so that generations to come will be able to walk free under its light. These are truly remarkable achievements for which we are today showing we are grateful.

Our retirees bravely answered the call to duty when our country needed them, and we should and we must be there for them when they need us. I urge us all to vote for this conference report, bipartisan as it is.

However, I must speak quickly to the gentleman from Mississippi (Mr. TAYLOR). It is no secret to anyone that, under the leadership over the last 6 years of the Republicans and of the gentleman from South Carolina (Mr. SPENCE), we have tried to stop the deterioration of the military. The problem has been a Presidential budget and the fact that we could not override with a veto.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, for the gentleman from Georgia (Mr. NORWOOD), the good doctor, I would remind him that, again, article 1, section 8 calls upon the Congress to defend the Nation. Article 1, section 9 says that no money may be drawn from the Treasury except by appropriation by law. If there is not enough money in the defense budget, it is Congress' job.

The President may not have asked for enough, and I will agree with that, but the bottom line is this Congress has passed over $900 billion worth of tax breaks the President did not ask for. We do lots of things the President did not ask for. The bills the President

vetoed on defense were over social issues, never underspending.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the legislation, and I commend and thank the gentleman from South Carolina (Mr. SPENCE) for legislation that bears his name and the gentleman from Missouri (Mr. SKELTON). It is an honor to serve with each of these gentlemen and the other subcommittee chairs and ranking members as well.

I am particularly gratified that this bill which reflects the finest bipartisan tradition of this House graciously includes three items in which I have expressed an interest and devoted energy.

The first is legislation I authored with respect to preventing cyberterrorists. I believe that one of the most lethal threats to this country's security is one of the most silent. It is the work of those with laptops instead of missiles who would threaten our air traffic control system, our banking system, our other critical infrastructure.

Because of the bipartisan cooperation, we were able to include legislation that I wrote that creates for the first time a loan guaranteed program that will help those in the private sector that maintain that critical infrastructure to upgrade it so that we are less vulnerable to attack.

Second, the legislation very graciously includes legislation I worked on to create a center for the conversion of domestic and civilian networking and telecommunications technology for the use of the military. That center will be located in my district in Camden, New Jersey, and I believe it will benefit our country for generations to come as a result of the leaps forward that will occur.

Finally, I am pleased to join with the gentleman from Pennsylvania (Mr. WELDON), our long-time mentor on this subject; the gentleman from Maryland (Mr. HOYER); the gentleman from New Jersey (Mr. PASCRELL); and others in achieving a first step toward a sufficient level of funding for America's first responders in the fire and emergency services community. The work that we have done on this bill is very gratifying, and I am pleased to see it also has gone forward in a bipartisan way.

I want to especially thank Terry Gillum in my office for his work on this legislation. I urge its adoption.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, the conference report contains a provision on an issue that I have been working on for over 15 years, the concurrent receipt of military retired pay and VA disability compensation.

A law enacted in 1891 requires a disabled career military veteran to waive the amount of his retired pay equal to his VA disability compensation. Military retirees are the only group, only group of Federal retirees who must waive retirement pay in order to receive VA disability compensation.

My legislation, H.R. 303, which has 321 cosponsors, would eliminate the offset entirely. The Senate provision drafted by Senator HARRY REID would do the same.

Some Members are concerned that complete elimination is too expensive. But in my opinion, Mr. Speaker, no amount of money can equal the sacrifice our military men and women have made in service to their country.

Last year's authorization act included a provision to authorize a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. Only individuals retired for longevity qualify for monthly benefit.

This conference report expands the eligibility for these special payments to those individuals retired for disability by their service. This is not enough, but it is some progress.

I want to thank my colleagues, the gentleman from South Carolina (Chairman SPENCE), the gentleman from Indiana (Mr. BUYER), especially the gentleman from Indiana (Mr. BUYER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from California (Mr. HUNTER) for their assistance in including this provision in the conference report. We must all work together towards complete elimination of the offset in the next Congress.

The original law, Mr. Speaker, is 109 years old and discriminates against service members who decide to make the military their careers. We must encourage personnel to remain on active duty. The old offset statute discourages them from doing so, and it is time to change it.

I urge my colleagues to support the conference report for H.R. 4205.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from South Carolina (Mr. SPENCE) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 6½ minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, as chairman of the Science subcommittee that oversees the fire administration, I rise in support of this legislation, particularly because of the important provisions included that will assist our Nation's first defenders, our firefighters and emergency service personnel. It incorporates provisions of a bill I introduced earlier this year called the Hero Act, H.R. 4146.

Look, this Nation is well served by the 1.2 million men and women who work as fire and emergency service personnel in over 32,000 fire departments. Local firefighters, 80 percent who are volunteers, put their lives on the line every day for their communities and area residents. This legislation marks a new beginning. Our firefighting volunteers contribute billions of dollars worth of time and they need our help now.

It is important that local, State, and the Federal Government step up to the line and give more support and help to our firefighters.

They play a crucial role protecting and preserving our lives and our property . . . a dangerous role—an average of nearly 100 firefighters a year lose their lives in the line of duty. 80 percent of those who serve do so as volunteers.

And so I'm pleased that this legislation demonstrates our commitment to our first responders by establishing a competitive grant program at the Federal Emergency Management Agency to assist volunteer and paid fire departments across this country purchase equipment, improve training, hire firefighters, fund emergency medical services, and establish fire prevention and safety programs.

In this bill, we're also increasing the authorization for the USDA's Volunteer Fire Assistance Program and establishing a grant program to help fund burn research and burn recovery. These are two very important steps and are two elements of my bipartisan Helping Emergency Responders Operate, or HERO, legislation I introduced earlier this year.

Mr. Speaker, we see our firefighters and EMS personnel responding to emergencies every day, more than 18 million calls a year. From car accidents, to brush fires, to large scale disasters, emergency responders are first on scene, first to react, first to provide the assistance we've come to take for granted. I'm pleased to support this legislation that brings some much needed assistance to those who literally put their lives on the line for us each day.

Today's passage of several fire-related measures is a milestone victory for local firefighters. These projects constitute the largest and most comprehensive package of legislation to aid the fire service in the history of the country.

Local firefighters, 80% of whom are volunteers, put their lives on the line every day for area residents. Increasingly, fire departments are having trouble making ends meet—with many departments forced to raise money through chicken dinners and other fundraising efforts.

This legislation marks a new—and well-earned—commitment from the federal government to our nation's firefighters. Never before has the federal government taken steps even approaching this magnitude to aid the fire service. It is about time that America's heroes receive the assistance they so desperately need.

Headlining the package is an unprecedented $460 million authorization which would create a grant program to send much needed funds directly to local fire departments. This

language, dubbed the Domestic Defenders Initiative, is attached to the Defense Authorization bill, scheduled to be voted on today. Besides the new grant program, the bill also includes authorized funding for the Volunteer Fire Assistance Program, burn research programs, a study of Hepatitis C occurrences in firefighters, and a study of Department of Defense spectrum potentially available for sharing with local fire and EMS agencies. Additionally, there is language that improves the opportunities for fire departments to obtain excess Department of Defense property. Finally, a task force is created to identify defense technologies that can be put to civilian use by local emergency response.

The House of Representatives is also committed to approving a $100 million appropriation for fire departments in one of the upcoming appropriations bills, most likely VA/HUD. While the authorization mentioned above would still be subject to future appropriations, this $100 million legislation would constitute immediate relief for needy fire departments. It is a similar package to that passed by the House on the Emergency Supplemental Appropriations bill in March.

Finally, the House and Senate both recently passed the conference report to the Interior Appropriations bill. This legislation includes $2.9 billion in funding for wildfire related activities. This year has undoubtedly been one of the worst wildfire seasons in recent years, and this funding is critical to helping local fire companies respond.

In addition, legislation has recently been introduced in Congress that would make volunteer firefighters eligible for funding under the AmeriCorps program. Congressman CURT WELDON (R–PA), the sponsor of the bill, has spoken with Harris Wofford, president of the Corporation for National Service, who has indicated his support for the legislation and his intention to work to include volunteer fire companies in AmeriCorps.

Individually, these initiatives represent steps forward for America's fire service. Together, they demonstrate that the Republican leadership in Congress is committed to reversing the years of neglect endured by America's first responders for so long.

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

Mr. Speaker, I have no additional requests for time. However, let me take this opportunity to, again, compliment the gentleman from South Carolina (Chairman SPENCE). This legislation is properly named for him. Thanks to all of those on the committee, those who have worked so hard in the bipartisan manner that we have.

I just have to say, Mr. Speaker, that we have a marvelous staff. The long hours, the weekends, the days that they put in have helped glue together this outstanding piece of legislation. I take this opportunity to thank them.

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

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

Mr. Speaker, let me say in closing that I appreciate the work of everyone on both sides of the aisle, especially the gentleman from Missouri (Mr. SKELTON), we have talked about earlier, and also the staff. People do not realize how important the staffs are. They do the work while we are doing other things. They are involved in details, working these things out for us. There is no way one can tell how much work they do in this respect.

Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise in support of the Department of Defense authorization bill. Let me first commend the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member. They are examples of what Members of Congress should be.

This legislation is an example of what legislation should be. It goes a long ways in helping restore the promise made to our retirees to provide permanent health care benefits for our military retirees with no deductibles, no copays. We are moving to keep the promise.

We are taking a very important step of providing a prescription drug benefit for all Medicare-eligible military retirees. We are increasing the pay by 3.7 percent. We are trying to target economic assistance to those young enlisted men and women, our soldiers and sailors who, many times, are still on food stamps. We are trying to help keep that from happening. It is a travesty that some of our men and women serving have to be on food stamps.

But we are also doing important things in our firefighter legislation that will save lives and save properties in our rural communities, our small towns and our cities; the expansion of the G.V. Sonny Montgomery G.I. bill for educational opportunities; in my State expanding the authorization for the T–45s, the new trainer jets that will be at the Merridian Naval Air Station; the expansion of the National Guard Challenge Program to help troubled youth; the expansion of the Counterdrug Initiative, which is an important part of my State's contribution.

This is good legislation. It is a good step. We are doing the right thing. I want to commend the committee for their good work.

Ms. BALDWIN. Mr. Speaker, I rise today to oppose the FY 2001 National Defense Authorization Act, and wish to clarify the rationale for my position. I feel it is very important to make my position clear; because, while I oppose this legislation, there are a number of important provisions within the larger bill that I strongly support. In its totality though, I could not support a bill that emphasizes procurement disproportionately over the long-term needs of our servicemen, women, and military retirees. While I understand why many support this bill, because it includes several provisions that are the result of hard-fought efforts to improve the living standards of our military personnel; I cannot support the indisputable fact that this bill continues a trend of prioritizing weapons systems and keeping this nation's defense policy on an unwise course.

I strongly support Military Retiree Health care benefits, which would grant lifetime health care for retirees and their families. At a time in our country when 44 million people are uninsured, it is our responsibility to assure that the men and women who have served our country are guaranteed health care benefits. I also support pharmacy access to all Medicare-eligible military retirees that was included in this legislation. Additionally, I am an ardent supporter of a pay raise for our service members who work extremely hard and demonstrate their dedication to our nation through their work in deployments throughout the world.

Unfortunately, the FY2001 National Defense Authorization Act includes excessive spending on military hardware and has led me to oppose the overall bill. This measure includes $4.8 billion for ballistic missile defense programs. The continuation and expansion of this program not only threatens our treaty obligations with other nations, it has the potential of sinking billions of more dollars into untested and unreliable technology. Neither this legislative body, nor the nation, has had the type of extensive debate demanded by such a major shift in defense policy. How can we continue to go down a path that will lead to a radical shift in our defense posture without a clear debate?

Moreover, this bill continues a disturbing trend of spending huge sums of money on defense programs, while ignoring the needs of families in the U.S. This measure, totaling $309.9 billion, represents about one-half of total discretionary spending. At a time when no one is presenting a significant military threat against our shores, is this the time to invest in massive new weapons systems? This bill includes $2.5 billion for the F–22 fighter; $689 million for the Joint Strike Fighter; and $2.9 billion for the next generation F–18 E/F. I ask my colleagues, is this justified given the current or future climate in international affairs?

Mr. Speaker, I am delighted that the House is recognizing the important service of the men and women in uniform, as well as veterans, and providing them the benefits they need and deserve. I am heartened that we have finally shifted at least some of our attention to the people who serve our country. It is my hope that in future years, we will continue to recognize the value of the service men and women, while also recognizing that we should not pour unlimited amounts of money into military hardware that we do not need.

Mr. MARKEY. Mr. Speaker, I would like to express some concerns about the Conference Report on the FY2001 National Defense Authorization Act, H.R. 4205.

This bill would do many positive things for our nation's veterans and defense workers. It would provide a 3.7% pay increase for military personnel. It would provide lifetime health care for military retirees and their eligible family members beginning in FY2002. It also authorizes a compensation plan for personnel made ill by exposure to toxic or radioactive materials

when working on nuclear weapons programs. I fully support these efforts to help the men and women who have served our nation.

There is, however, one provision in this Defense Authorization Act that I find extremely troubling. The bill requires the Secretary of Defense in conjunction with the Secretary of Energy to conduct a study relating to the destruction of hardened and deeply buried targets possibly using a low-yield nuclear weapon. This report could be the first step in a program to develop a new nuclear weapon, likely requiring a new round of nuclear weapon testing.

I am troubled by the inclusion of this provision for two reasons: (1) current law prohibits the research and development of such devices and (2) this report could be the precursor to renewed testing of nuclear weapons, undermining the United States efforts to halt the spread of nuclear weapons. I am not alone in my concerns about this provision. Twenty-seven Representatives and myself signed a letter to House Armed Services Ranking Member Skelton saying that he should not consider a nuclear option because it has far greater implications that would undermine our national security.

The precedent on this issue is clear: the National Defense Authorization Act for FY1994 (Section 3136 of Public Law 103–160) prohibits the Secretary of Energy from conducting research on and development for the production of new low-yield warheads. The new report language represents the first step toward ending that ban on research and development and could ultimately lead to efforts to renew nuclear testing. As a hint of the events to come, the new provision would authorize ''limited research and development that may be necessary to perform those assessments.''

Furthermore, this language undermines United States' international nuclear arms control and nonproliferation efforts. The United States is seeking to end nuclear weapons programs in the Democratic People's Republic of North Korea, Iran and Iraq, and to restrain Indian and Pakistan from further testing and development of nuclear weapons. Restricting the ability to test new weapons is an important tool in preventing these nations from actually completing work on a new weapon. Enforcing this moratorium requires considerable international cooperation and pressure spearheaded by the United States government.

This provision on low-yield nuclear weapons sends a troubling signal that not only is the United States unwilling to ratify the Comprehensive Test Ban Treaty, but the U.S. may consider a resumption in testing. This will give the green light to nations with fledgling nuclear weapons programs to begin openly testing. The implications for our national security are far more threatening from this action than from the failure to develop such a low-yield nuclear weapon.

If existing weapons do not provide the United States with the ability to deal with hardened targets, conventional, not nuclear munitions should be considered. To put it simply: the Secretary of Energy—and the nuclear weapons research at his disposal—should not take part in this process. Unfortunately, this conference report does not eliminate that involvement, but rather requires the Secretary to participate in this study. Such an important decision should be made openly and not in the guise of a reporting requirement that also happens to authorize limited research necessary to conduct the required assessment. This is nothing more than a nonproliferation wolf in report's clothing.

I urge Members to consider carefully the implications of such a proposal. Because of this provision and the authorization for continued testing of a failed National Missile Defense program, I must oppose this conference report.

Ms. SCHAKOWSKY. Mr. Speaker, the Defense Authorization Conference report contains provisions that I along with a majority of my colleagues and the American people strongly support. Those provisions would greatly benefit our nation's military personnel and veterans. I strongly support measures in the bill that will provide lifetime healthcare for military retirees and their families and restore pharmacy benefits to Medicare-eligible military retirees. I am also pleased that our fighting men and women will receive a well-deserved pay raise of 3.7%. In addition, providing our active service personnel with additional economic assistance and lowering their out-of-pocket housing expenses are critical measures that were included in this bill.

Unfortunately, the conference report includes billions of dollars for costly weapons systems that will not improve our security or military readiness. In addition, it includes billions of dollars for a national missile defense program that has never been proven effective, and I believe would lead to Cold War II. These funds would be better spent to heighten our commitment to our military personnel and veterans and to better meet their needs, among other things. Extra funding for our veterans would guarantee that valuable resources would be available to enhance their quality of life and fulfill our obligation to our service men and women. It is the least we can do.

For those reasons, I did not support this year's Department of Defense Authorization Conference Report. However, I will continue to support our military personnel and veterans and a strong national defense based on sound policy.

Mr. CROWLEY. Mr. Speaker, I rise in support of the National Defense Authorization Act, but I do so with mixed emotions.

This legislation contains a number of very important programs that deserve the full support of this Chamber.

I am pleased that this package contains a new—and long overdue—entitlement of lifetime health care coverage to our nation's military retirees. For decades our recruits to the Armed Forces have been promised this benefit, only to have our Federal Government not live up to its promise.

The brave men and women who have dedicated their lives to the defense of our nation, who represent our first line of defense, who stared communism down and introduced hundreds of millions of people of the world to a concept we often take for granted in the United States—democracy—deserve this important benefit.

It is also my hope that this Congress will now use this new health care entitlement program as a basis to provide a prescription drug program for all Americans.

This Congress has continually refused to provide a drug benefit to millions of other Americans who work just as hard as our military personnel. Our retired policemen, laborers, secretaries and seamstresses should also have the guarantee of a prescription drug benefit under Medicare.

This Conference Report provides a much needed 3.7% increase in pay to our nation's Armed Services. This increase will help boost the standard of living for our military personnel and their families.

Similarly, to address the concerns of the people of Puerto Rico, I am pleased that this legislation encapsulates the basic agreement worked out between the Navy, the People of Puerto Rico and the President.

I have worked diligently over the past year to see a fair and just solution to the live fire testing at Vieques in Puerto Rico. President Clinton, Governor Rossello and the U.S. Navy have worked together in good faith to resolve this situation.

I am pleased that the Congress is not trying to stop this progress.

On the global front, this legislation also lifts any restrictions on the United States when protecting our nation's vital interests internationally and protecting against genocide in places like Kosovo.

Our Constitution defines the roles of both the Commander-in-Chief and the Congress with respect to our nation's military involvement. It is not the role of Congress, in an effort to embarrass this President and weaken our nation's resolve in facing down dictators, to try to change this Constitutionally defined role in this legislation.

Our military is the strongest and best trained in the world, and this legislation will continue to build on our past successes and ensure even greater successes in the future.

But I must also register my strong disillusionment at the actions of the Republican Conferees on this legislation.

Although strong, bi-partisan majorities in both the Senate and House acted to attach language to this bill to expand the definition of hate crimes, this Republican Leadership again showed their true colors and stripped it from the bill.

This Congress had the opportunity to make it easier for Federal law enforcement officials to investigate and prosecute cases of racial and religious violence, and would permit Federal prosecution of violence motivated by prejudice against the victim's sexual orientation, gender, or disability.

But again the Republicans ignored the will of Congress and the will of the American people and again kowtowed to the most extreme elements in American politics—people like Jerry Falwell and Pat Robertson.

A few weeks ago, 41 Republicans marched to the floor and voted to include Hate Crimes language in this bill. Then they all heralded this vote in press releases to their local media outlets, hailing their celebration of diversity and tolerance.

Now comes the true test of tolerance and political moderation. Will these same members again demonstrate their self-touted moderation and stand up to their Republican Leadership and demand a vote on the Hate Crimes bill.

We must continue to pressure the Republican Congressional Leadership to understand that bigotry is not acceptable.

Mr. HOLT. Mr. Speaker, I rise in support today of the Fiscal Year 2001 Defense Authorization bill.

I am proud to support this legislation because of the long awaited health benefits for military retirees that in includes.

Mr. Speaker, I have heard from many military retirees in my district of Central New Jersey who were promised lifetime military health benefits when they entered the service. For many years, this promise has not been kept. Military retirees were only allowed to keep their military health care until they turned age 65, after which time the only coverage they had was Medicare.

Now, Mr. Speaker, Medicare is a great program. It has helped to keep millions of beneficiaries out of poverty. But we know, Mr. Speaker, that many seniors have additional coverage during retirement through coverage provided by their employers. For military retirees, who sacrificed their lives and careers for military service, their employer is the federal government.

Like many other Members of this chamber, I believe we owe our military retirees the lifetime health coverage they were promised, and access to the best and broadest health care coverage available.

This year's defense authorization is an important first step towards keeping that promise and providing that coverage.

For this reason, I am proud to support this legislation, and I urge my colleagues to do the same.

By taking this action today, Mr. Speaker, we are letting all our military personnel—past, present, and future—know that their government will keep its promise and provide the health care protection they and their families need—for life.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to this conference report. I support several important provisions of the bill, including a Department of Energy (DOE) defense worker compensation program and a pay raise and expanded health care choices for our men and women in uniform. However, the legislation is so laden with special interest pork projects that I fear it will undermine our ability to be fiscally responsible and pay down our national debt while, at the same time, adequately funding the Nation's highest priorities.

Where are our priorities in this Congress? The 106th Congress is drawing rapidly to a close, yet our Nation's schools are crumbling and overcrowded, there are 11 million uninsured children in America, and our seniors lack comprehensive prescription drug benefits. We are not addressing these today, nor are we authorizing $310 billion—or anywhere close to that amount—to address these critical issues facing every American family. Instead, Congress will pass a Defense Authorization Conference Report that includes $4.5 billion more funding than the administration requested and $21.1 billion more than last year's funding level. Over half of the additional $4.5 billion tacked on in this conference report—$2.6 billion—goes toward procurement. I would venture to guess that many of the Members who supported this bill today will be surprised as the special interest projects are revealed in coming days. Unfortunately, I fear this conference report is a reflection of the skewed priorities of the leadership in this House. We have failed to address the real issues facing the American people.

There are good provisions in this conference report. I strongly support the establishment of a program that finally recognizes the vital contributions of Department of Energy contract workers who risked their personal health to help protect our Nation. For too many years, the government has denied that these workers were suffering from catastrophic and chronic illnesses that resulted from their work at defense facilities such as Rocky Flats. Earlier this year, Secretary of Energy Bill Richardson announced the Department's intention to belatedly remedy this problem and seek to implement a compensation program to aid sick workers. Also, a number of my colleagues and I have supported legislation required to authorize a compensation program. I am a proud cosponsor of Representative ED WHITFIELD's (R-KY) bipartisan legislation H.R. 4398. I regret that Congress failed to fully consider and pass H.R. 4398, which I believe would have been the proper approach to address this important issue. I regret that Congress has failed to act and to bring this important legislation before us for proper consideration and action.

I am pleased that this conference report includes a 3.7 percent pay raise for military personnel. I believe our military forces deserve fair compensation for the job they do and for the risks they take on behalf of our country. This is why I am a cosponsor of legislation that would provide for a 4.8 percent pay increase to members of the Armed Forces and open the Federal Employees Health Benefits Program to active-duty personnel. It is vital that when our armed forces are called to duty they can be assured that their families are secure and able to pay the bills back home.

As a cosponsor of the Hate Crimes Prevention Act of 1999, I was very pleased that this legislation was included in the Senate version of this H.R. 4205. I would like to note that the House also passed a motion to instruct the conferees to include this provision as part of the final conference agreement. However, the leadership blatantly ignored the will of the House and stripped the Hate Crimes language out of the bill. It is well past time for legislation that makes hate crimes against gays and lesbians, women, and people with disabilities a Federal crime. Every hate crime that occurs in this country is an attack on American values, and it is a disgrace that this language was stripped out of the bill.

I hope that, in the final days of the 106th Congress, we can address some of the critical issues facing our Nation today, rather than continuing on the current path which has resulted in a rudderless, haphazard attempt to legislate for a few special interests.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 4205, the Defense Authorization Act for Fiscal Year 2001 Conference Report. While Federal constitutional authority clearly exists to provide for the national defense, global militarism was never contemplated by the founders. Misnamed like most everything else in Washington, the ''Defense'' Authorization Act thus funds U.N.-directed peacekeeping in Kosovo and Bosnia to the tune of $3.1 billion dollars, $443 million in aid to the former Soviet Union, $172 million for NATO infrastructure (the formerly defensive alliance which recently initiated force against Kosovo), and $869 million for drug interdiction efforts by the U.S. military in an attempt to take our failed 1920's prohibition experiment worldwide.

Certainly a bill authorizing use of resources for the national defense which also properly compensates those military personnel necessary to maintain it would be not only constitutional but most appropriate. Contrarily, a bill which continues our elitist and failed policy of policing the world all the while creating additional enemies of the United States is neither constitutional, justifiable, supportable, nor prudent. By avoiding such a police-the-world approach, which destroys troop morale by isolating them from their families and spreading them dangerously thin, considerably less money could be authorized with seriously improved security results.

Meanwhile, H.R. 3769, my bill to prohibit the destruction during fiscal year 2001 of missile silos in the United States, fails to even receive so much as a hearing. While I understand that to comply with questionable, but ratified, disarmament treaties, certain missiles may need to be deactivated, it seems ill-advised to spend money to also destroy the missile silos which may be strategically vital to our national defense at some date in the not-so-distant future.

I encourage my colleagues to rethink the United States' 20th century role of global policeman and restore instead, a policy of true national defense which will better protect their constituents, keep their constituent's children safer and out of endless global conflicts, and reassume for taxpayers some semblance of fiscal sanity.

Mr. BLUMENAUER. Mr. Speaker, the priorities represented in this bill are misplaced. It spends $310 billion, over half of our discretionary budget. This is $4.5 billion more than the President requested and $21 billion above the amount appropriated for fiscal year 2000.

We are spending too much in this bill on too many unproven technologies, duplicative systems, and, in some cases, congressional add-ons that our military leaders don't want. We are spending enough on things like environmental remediation of past actions. For example, the estimated pricetag for clean-up of the unexploded ordnance that contaminates millions of acres of land and internal waterways is over $100 billion. The funding in this bill for environmental restoration is a mere $1.3 billion, less than half a percent of the total.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. We will spend over $300 billion over the next 10 to 20 years on the Air Force's F–22, the Navy's F–18 E/F, and the Joint Strike Fighter. We are doing this rather than made the hard decisions we need to in order to make proving for our national defense more cost-effective.

It is also troubling that the hate crimes provision was not included in this bill. The Senate added it to its defense authorization and we in the House voted in a bipartisan fashion in favor of a motion to instruct conferees to include it in the conference report. This does not reflect the will of the Congress.

For years we made commitments to military retirees that they and their families were entitled to lifetime health care. I am pleased that we have made good on that promise in this bill by providing lifetime health care for military retirees and their eligible family members, as well as pharmacy access to all Medicare-eligible military retires. But this could have been accomplished within the context of a better bill.

Because of the many failures of the bill, I was forced to vote against it. America has the best-trained, best equipped and best-prepared military forces in the world. Our forces are ready to defend America's interests wherever they are threatened. That will continue only if we're careful about the investments we make.

We need to seek peace from all the threats of the new century. This bill spends too much on the wrong things and not enough on cleaning up from out past activities and preparing to transition to fight tomorrow's wars. This is the key not only to security abroad, but to livability at home—to make our men and women in uniform and all our families safe, healthy and economically secure.

Mr. PORTMAN. Mr. Speaker, I rise in support of H.R. 4205, the FY 01 Defense Authorization bill. Of particular interest to my constituents in southwest Ohio—particularly those in western Hamilton County—is the provision based on legislation that I have cosponsored that establishes a new Energy Employees Occupational Illness Compensation Program.

This program will assist workers exposed to radiation, beryllium and other toxic substances in the course of carrying out their work in the U.S. nuclear weapons complex. Many of these workers have become sick from illnesses that can be traced to that exposure. The former Fernald Feed Materials Production Center, which is located in my district, was part of our nuclear weapons production complex for nearly 40 years from 1951 to 1988. Too often, these workers were not even aware of the hazards they faced in their jobs—hazards that have frequently had serious health effects.

What we are considering today will provide covered workers and their survivors at Fernald and around the Nation with the compensation they deserve that guarantees a specific minimum benefit and medical expenses. I urge my colleagues to support this important and long overdue program.

Mr. WEYGAND. Mr. Speaker, I will be unable to vote on rollcall vote 522 today. Were I present, I would vote "yea" on the Defense Authorization Conference Report because it provides much needed resources to our active duty personnel.

This bill does many positive things, and I commend the chairman and ranking member for their leadership. As my voting record indicates, I strongly support the efforts being made to improve the quality of life for our active duty military and retirees. I have also supported efforts to continue to provide our men and women in the armed services with the resources they need to continue to defend our interests with the most technologically advanced weapons available.

Providing a 3.7 percent pay raise, expanding the housing allowance, allowing active duty personnel to participate in the Thrift Savings Plan (TSP), providing increased subsistence funding, and several additional bonuses and benefits, will help in our efforts to recruit and retain the most capable military in the world.

Additionally, this bill provides several important provisions for our military retirees. Expanding TRICARE to Medicare eligible retirees, expanding the TRICARE Senior Pharmacy Program, and expanding the TRICARE subvention pilot will go a long way in providing relief to our veterans and military retirees.

However, I am greatly concerned about the inadequate provisions regarding the issue of "concurrent receipt." I am one of 321 cosponsors of H.R. 313 which calls for the complete repeal of this unfair provision. Many veterans in my state are affected by this unjust law and it ought to be repealed. I understand the constraints that the Congress is operating under. However, I urge this Congress to do the right thing and pass H.R. 313 as stand alone bill and give our veterans what is owed to them.

Mr. BASS. Mr. Speaker, I rise today to express my support for all that this important legislation achieves. It represents a far-reaching effort to honor some of the promises made to retired servicemen and women, it begins to provide our active and reserve personnel with world-class compensation and training, and it continues to keep our commitment to providing the equipment and materiel necessary to protect the interests of this country. For all these reasons and more, this legislation ought to pass with the support of members on both sides of the aisle.

But Mr. Speaker, I do want to mention how disappointed I am that the conferees could not negotiate a settlement on the so-called concurrent receipt issue, under which military retirees have their monthly retirement pay reduced by the amount of any disability payment they may have the misfortune to have earned.

Military retirement pay is earned for length of service, while a veteran's disability payment compensation ought to be regarded as a payment to a veteran in response to injuries or diseases that happened or were aggravated while on active duty. These are not the same thing and should not be offset against each other.

Moreover, a service member who incurs an injury and then goes on to work for a private company is not precluded from receiving that company's full pension benefit and the full disability payment. In essence, the message we send is that servicemen and women are far better off going to work for someone other than the United States if they receive an injury while performing their duty. It seems to me that these people, the very people who have demonstrated their willingness to place themselves in danger, ought to be encouraged to continue with the military—if their disability allows—not discouraged.

Mr. Speaker, as I said earlier, I support this legislation because it does address several critical aspects of veterans health care and because I believe the provisions addressing other critical defense needs are too important to reject. Fittingly, I want to note that the very veterans, support organizations, and associations that are most penalized by the failure to address the dual compensation issue all support this legislation because of the security it will provide for the current men and women who provide our shield. Hopefully, that support—more than my own—will impress my colleagues and will be remembered when the next Congress takes up the dual compensation issue.

Ms. PELOSI. Mr. Speaker, I support the Defense Authorization bill because it includes many important provisions including measures to improve health care for our nation's military retirees. However, I rise today to criticize the Republican leadership for their removal of hate crimes provisions from the conference report. Majorities in both the House and the Senate voted to include this language which would have added needed protections against hate crimes based on sexual orientation, gender, or disability to federal law.

Tragic murders that grab the nation's attention such as the dragging death of James Byrd in Texas and the brutal beating death of Matthew Shepard in Wyoming are, unfortunately, not isolated incidents. According to statistics kept by the National Coalition of Anti-Violence programs, 29 Americans were murdered in 1999 because they were gay or lesbian and there were more than 1,960 reports of anti-gay or lesbian incidents in the United States, including 704 assaults. And according to the Federal Bureau of Investigation, in 1996 there were over 8,700 reported incidents of hate crimes based on race, religion, national origin, or sexual orientation. Crimes based on hate are an assault on all of us, and we must enact stronger measures to prevent and punish these offenses.

Opponents of this measure have argued that this is an issue that should be left to the states. However, Congress has passed over 3,000 criminal statutes addressing harmful behaviors that affect the nation's interests, including organized crime, terrorism, and civil rights violations. Thirty-five of these laws have been passed since the Republicans took control of Congress in 1995.

Others have argued that there is no need for federal Hate Crimes legislation because assault and murder are already crimes. However, the brutality of these crimes speaks to the reality that when a person is targeted for violence because of their sexual orientation, race, or other group membership, the assailant intends to send a message to all members of that community. That message is you are not welcome.

This effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans have a right to feel safe in their community.

The hate crimes provisions that were stripped from this conference report by the Republican leadership would have countered this message of intimidation with a strong statement that our society does not condone and will not tolerate hate-based violence.

In addition to a bipartisan group of 192 House cosponsors, these provisions are supported by 175 civil rights, religious, civil and law enforcement organizations, including the National Sheriff's Association, the Federal Law Enforcement Officers Association, the Hispanic National Law Enforcement Association, the National Center for Women and Policing, and the National Organization of Black Law Enforcement Executives.

Passage of this bill would not have ended all violence against those communities who are targets of hate violence. But it would have allowed the federal government to respond and take action by investigating and punishing the perpetrators of crimes motivated by hate. The Republican leadership has missed an important opportunity. I urge them to reconsider their opposition to these protections and pass the Local Law Enforcement Enhancement Act of 2000 before the end of the session.

Mr. WATTS of Oklahoma. Mr. Speaker, I come here today in support of the Floyd D. Spence National Defense Authorization Act for FY 2001. This legislation is named for a great American who is second to none in supporting our soldiers, sailors, Marines and airmen. Under FLOYD SPENCE's leadership this is the fifth year out of the last six in which Congress has added to the Administration's budget request. FLOYD SPENCE—as far as I am concerned—is Mr. National Security. I look forward to serving with him for many more years.

The defense bill before us seeks to address many problems. Serious training deficiencies and equipment modernization shortfalls, made worse by longer and more frequent deployments away from home, have placed increasing strains on our armed forces. Also, the increasing use of America's military on missions where vital U.S. national security interests are not at stake has reduced readiness, affected recruiting and retention, and lowered morale. This bill will not completely fix these problems, but it will help.

Included in this bill is a 3.7% pay raise for our military personnel. The bill increases the military procurement accounts by $2.6 billion, and the research and development accounts by $1 billion. In critical readiness accounts, the Congress has increased authorization funding for the sixth consecutive year. There are increases in funding for National Missile Defense research and for improving the training and readiness of the National Guard and the Reserves. Also, this legislation includes—something particularly important to me—authorization funding for the Crusader program at over $355 million.

And last, but certainly not least—there is TRICARE health insurance for military retirees over 65, including a drug benefit. This revised TRICARE program will take effect beginning in FY 2002 and is open to military retirees and their eligible family members. Under the plan, beneficiaries could keep their current Medicare provider, and use TRICARE as their Medicare supplement to pay any costs not covered by Medicare. Beneficiaries would pay no co-payments or deductibles. The plan also includes no enrollment fees or premiums for all Medicare-eligible beneficiaries. This Congress continues to work to meet the promise that was made for health care as an earned benefit for 20 or more years of honorable military service.

The bottom line is—this defense authorization bill will fund the Department of Defense at approximately $310 billion—$4.5 billion more than requested by the Administration. Again, I want to thank Chairman SPENCE for his leadership of the House Armed Services Committee, and the kindness and courtesy he has shown not only to me, but everyone associated with this committee including members, staff and those appearing before his committee.

Mr. DEFAZIO. Mr. Speaker, I am extremely pleased that the Department of Defense (DOD) authorization act we have before us today makes a number of long awaited, critical improvements to the health care system for our nation's military retirees.

These individuals selflessly sacrificed and served our country in order to protect the freedoms we all enjoy. This legislation marks an important step toward providing military retirees with the health care they earned and were promised.

However, I am voting against the bill because, as good as the health care provisions are, they don't go far enough. In addition, I am concerned about the astronomical level of overall spending authorized by the bill a decade after we won the Cold War.

Let me briefly return to the health care provisions I support. I am pleased the conference report extends TRICARE to Medicare eligible retirees with no co-pays or deductibles. There will also be no enrollment fees or premiums for Medicare eligible beneficiaries. This is one of the provisions in an important bill I cosponsored, the Keep Our Promise to Military Retirees Act.

The conference report also expands the mail order pharmacy benefit to all beneficiaries, including those over 64 years of age. This too is similar to legislation I cosponsored, the Retired Military Pharmacy Benefits Act. Expanding the mail order pharmacy program will allow retirees in Oregon, who don't live close to a military base, easier access to necessary prescription drugs.

I was also pleased the conference report included a number of other quality of life improvements such as a 3.7 percent pay raise, an accelerated reduction in out-of-pocket housing costs, and targeted supplemental food allowances for the most needy personnel.

However, the conference report left out two improvements I have advocated. First, the conference report dropped a provision that was included in the Senate version of the bill to repeal the VA disability compensation offset. I am cosponsor of legislation, H.R. 303, to repeal this offset and contacted members of the conference committee encouraging them to retain the Senate provision. Veterans deserve to keep all of the benefits they earned. I was disappointed this provision was not included in the final version of the bill.

I was also disappointed that the key component of the Keep Our Promise to Military Retirees Act, opening up the Federal Employees Health Benefit Plan (FEHBP) to military retirees, was not included in the conference report. I have heard from many residents of Oregon who are having difficulty finding providers who accept TRICARE due to low reimbursements rates and burdensome regulations. That may be why TRICARE is sometimes derided by retirees in my district as "try to get care." Therefore, expanding TRICARE as this bill does, may not benefit a number of Oregonians. A more complete option would be offering our military retirees the same health care that Members of Congress and our staffs have access to, the FEHBP. The FEHBP works well in Oregon and would ensure military retirees have the health care security they've earned and deserve. I will continue to fight to make this option available.

I am concerned with the overall level of spending authorized by this bill. The bill authorizes $309.9 billion for fiscal year 2001, or more than half of all federal discretionary spending. This is $4.5 billion more than the President requested and $21.1 billion more than last year. We are still funding the Pentagon at 90 percent of Cold War levels a decade after we won.

U.S. military spending must also be viewed in the context of what our allies and adversaries spend. The U.S. is spending more than all our adversaries or potential adversaries combined and more than we spend at the end of such Cold War presidents as Eisenhower, Nixon, Ford, and Carter.

Further, as former Secretary of Defense under President Reagan, Larry Korb, points out, "The U.S. share of the world's military spending today stands at about 35 percent, substantially higher than during the Cold War. In 1985, at the height of the Reagan build-up, the U.S. and the Soviet Union spent equal amounts on defense. Today, Russia spends only one-sixth of what the U.S. spends on defense. If one adds in the spending of U.S. allies, the picture becomes even more favorable to the United States." In fact, the U.S. and its allies account for 65 percent of the world's military expenditures.

Russia today spends 85 percent less on its military than the Soviet Union. The combined expenditures of our potential adversaries, as identified by U.S. intelligence agencies, is $13.8 billion, or about four percent of the U.S. budget.

In just two days, the Pentagon spends more money than the Iraqi military does in an entire year. In just 16 days, the Pentagon spends more money combined than Iraq, Iran, North Korea, Libya, Syria, Sudan, and Cuba. In 108 days, the Pentagon spends more than all of these countries plus Russia and China.

The U.S. military must remain the highest trained, best skilled, and most technology sophisticated military in the world. However, this can be done with a smaller budget. To do so requires better management, not more money.

The Pentagon budget needs to be reevaluated in light of our current national security threats. Cold War weapons systems that serve no national security purpose but merely serve to justify increased budgets should be eliminated. Defense experts of all political stripes both inside and outside government have suggested eliminating or reforming a number of programs like the F–22, the Crusader Artillery system, the Comanche helicopter, and others in order to reduce costs and have a more efficient and deadly military force.

Also, as Senator MCCAIN has repeatedly pointed out, the defense authorization and appropriations bills often include billions of dollars in pork projects that are unrelated to national security requirements. This bill is no exception. In this bill, Congress provided the Pentagon billions in unrequested funding such as $150 million for two F–15 aircraft, $125 million for 12 additional Blackhawk helicopters, $51 million for two additional F–16s, and $90 million in additional funding for the DDG–51 Destroyer program.

Finally, rather than showering the Pentagon with tens of billions of additional dollars for

weapons systems of dubious value and quality, it would be useful to make a serious commitment to eliminating the tens of billions of dollars of waste at the Pentagon. As Representative KASICH, Republican Chairman of the House Budget Committee, noted in a February 2000 report titled Reviving the Reform Agenda, the General Accounting Office annually uncovers billions of dollars going to waste at the Pentagon. It weakens our national defense to have this waste and hurts the morale of our men and women in uniform since it steals funds that could otherwise be spent to boost their quality of life.

Mr. Larry Korb, who, as I mentioned was an Assistant Secretary of Defense under President Reagan, has developed an alternative defense budget that would be sufficient to meet our national security needs while not strangling and starving the rest of the federal budget. His proposal makes prudent reductions in spending by targeting unneeded weapons, unnecessary deployments, and a downsizing of our forces in recognition of our victory in the Cold War. Mr. Korb's proposal is a serious one that deserves intelligent discussion and consideration in Congress.

Again, I congratulate the conferees for the improvements they made on access to health care for military retirees, but I cannot support a bill with the unjustifiable level of spending on weapons systems of questionable value and quality.

The Pentagon budget should be based on a realistic assessment of our national security needs, not the wishes of powerful defense contractors or Pentagon brass. I bet the Secretary of Education and the Secretary of Health and Human Services have a funding "wish list" too. But, Congress scrutinizes their every request and forces them to prioritize. The Pentagon should be no different.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4205 and I would like to thank my good friends, Chairman FLOYD SPENCE and Senate Chairman JOHN WARNER. Section 813 of this bill includes legislation that I introduced, H.R. 3582, the Federal Flexibility Act of 2000. H.R. 3582 passed the House on May 2 of this year and my good friend, Senator WARNER attached to the Defense Authorization bill in the Senate. H.R. 3582, now Section 813, will provide northern Virginia with important relief for its continued information technology worker shortage and continue the important procurement reforms this Congress began in 1995.

H.R. 3582, the Federal Flexibility Act of 2000, will address an ongoing problem in federal IT contracts. Section 813 of this bill is necessary because federal contracting officers frequently write into IT contracts minimum personnel requirements that hamper the ability of contractors to find qualified personnel to perform the contract. Oftentimes this means government contractors can not hire personnel who they believe could successfully perform the work but instead search for qualified resumes. This is a burden on the IT industry and contributes to the chronic worker shortage faced by the technology industry because the Federal Government is the largest purchaser of IT products in the world—spending about $32 billion on goods and services each year.

The Fed-Flex Act requires Federal agencies to justify the minimum personnel requirements frequently written into government contracts. Federal agencies have been experiencing "credential creep" in the way they write contracts. The problem has become so significant that the Virginia Secretary of Technology, Don Upson, found in a report issued by his office this past September that these minimum personnel requirements are the second largest contributor to the IT worker shortage in my home state. This report, titled "A Study of Virginia's Information Technology Workforce," strongly recommended that both the government and private sector companies objectively evaluate alternative forms of training, and focus on investments in training rather than degrees or resumes. The nationwide shortage of IT workers is estimated at 364,000, and it is estimated at over 24,000 for the Northern Virginia region alone.

What these minimum personnel requirements mean for the government is that Bill Gates or Michael Dell cannot contract with the federal government. Since neither one of them holds a college degree, many federal agencies would not allow them to perform IT work for the government. When federal agencies write credential creep into contracts, they hinder the ability of federal contractors to hire qualified personnel who get the job done, and increase the total cost of the contract to the government.

In this era of serious labor shortages in nearly every sector of our economy, this practice drives up prices and limits the flexibility of offers. The government will get better results if it issues performance-based statements of work and leaves it up to the offeror to propose how they will satisfy the requirement. The government should hold the winning offeror accountable for the quality of the cake, not dictate the ingredients that go into the recipe.

Another recent workforce study released by the Information Technology Association of America (ITAA) found that US companies anticipate a demand for 1.6 million IT workers in the next year. According to that study, about 50% of applicants for those jobs will not have the skills required to perform the jobs meaning that up to 850,000 of those slots could go unfilled. The private sector knows it must adapt to address this shortage and invest in training that will allow them to get the job done—let's make sure the federal government is not the stumbling block. The Fed Flex Act requires agencies to realize that key skills are what matters most to mission accomplishment within agencies not how those skills are acquired.

Recently, there has been ongoing debate about solving the labor shortage in the United States and lifting the cap on H1–B visas. I am a strong supporter of lifting the visa cap and an original cosponsor of my colleague, Representative DREIER's H.R. 3982, the HI–TECH Act, which raises the cap to 200,000 for H1–Bs. But we all know this is a short-term solution. We need to recognize the new types of training employees receive and encourage American businesses to hire employees who have received less traditional methods of training. We also need to encourage our federal government to be a leader in solving the worker shortage and not remain behind the curve as is so often the case.

The Fed-Flex bill I authored recognizes the investment that firms make in their employees today. Many IT firms spend a significant amount of time and dollars training their employees to be up to speed on the latest products and services. The Fed-Flex Act would require agencies to justify the use of such minimum mandatory personnel requirements before imposing such requirements in a particular solicitation for IT services. Where the contracting officer determines that the agency's need cannot be met without such requirements, the legislation would not preclude such requirements. Moreover, the legislation would not preclude agencies from evaluating the advantages that may be associated with a particular employee's experience or education, including participation in an in-house training and certification program. This bill continues the many successes of recent procurement reforms and redirects government to focus on products, not process.

Earlier this year, a study released by the American Association of Community Colleges indicated that twenty percent of Community College attendees are pursuing degrees to work on technology issues. With the worker shortage we face across the nation, it is of great concern to me that the federal government could prevent these highly-motivated young people from pursuing a technology career. Credential creep is a federal government-wide problem. We have fallen behind in recruiting IT workers for the federal workforce and training federal workers to take part in the information technology revolution. Yet, the government often demands college degrees for entry level positions that might be filled by individuals who have received another form of job training. I believe that Fed-Flex bill is important to address an immediate need within the government but I am also committed to working closely with my friends in the federal workforce community to look at their credential creep problems.

Mr. Speaker, I would also like to point out the many organizations that have supported the inclusion of FED–FLEX in section 813 of H.R. 4205. It is supported by ITAA, AEA, the Contract Services Association, the Professional Services Council, and CapNet. I would like to quote from a letter sent over by Harris Miller, the President of ITAA, "The Federal Contractor Flexibility Act is a homerun for practical, efficient, and effective government contracting." I would also like to submit a copy of the ITAA letter for the RECORD.

Section 813 of this bill will ensure that contracts are performance-based rather than process-driven. In my conversations with local Chambers of Commerce in northern Virginia, and national procurement organizations, I have heard many instances where these personnel requirements have hampered companies' ability to work with government. I have also been presented with evidence that these minimum personnel requirements have been used at various government agencies to favor incumbent contractors rather than promote open competition. I have even heard of an instance where the contract employees who unpack computers at some agencies are required to hold a college degree.

Mr. Speaker, I have also received contract examples from the Departments of Defense and Treasury, and the General Services Administration that include minimum personnel

requirements. The Defense Department includes these cumbersome requirements for entry-level IT positions that include such basic tasks as data-entry, and they do not give contractors any opportunity to apply for a waiver. The Treasury contract includes these requirements but then says a company may apply for a waiver after contract award although the waiver requires a significant amount of paperwork to get approved. The GSA requirement is on an IDIQ contract that would effect several companies that the same time and drive-up costs of all of the competing kids.

Mr. Speaker, again I urge my colleagues to support this important legislation. The inclusion of H.R. 3582 in this conference report will provide important relief to Virginia and government contractors across the nation. It will also provide a tremendous cost-savings to the government.

Mr. Speaker, in addition, the conference report for H.R. 4205 authorizes $309.9 billion for the nation's defense activities for FY2001, $4.6 billion more than the President's request. The conference report provides significant improvements to the quality of life of military personnel, retirees, and their families, military readiness, and modernization programs. In particular, the conference report provides a much needed 3.7% military pay raise and other important bonuses, as well as retention and quality-of-life programs for our soldiers, sailors, airmen, and Marines. In addition, the conference report establishes a targeted subsistence payment, up to $500 per month, to assist the most economically challenged personnel. I believe this report includes provisions that are critical to maintaining and sustaining our military readiness by focusing on the most important feature of our military; the men and women in uniform.

More importantly, the conference report includes substantial improvements in TRICARE benefits for all beneficiaries of the military health care system. The conference report authorizes a restructuring of the military health care program and provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members beginning in FY2002. The report also provides a comprehensive pharmacy benefit to Medicare-eligible beneficiaries, reduces the maximum annual out-of-pocket expenses for all retirees form $7,500 to $3,000, eliminates co-payments and deductibles for active duty families and their beneficiaries, and eliminates TRICARE enrollment fees or premiums for Medicare-eligible beneficiaries. Additionally, the report authorizes an expansion of the Department of Defense's (DOD mail order and network retail pharmacy programs, the "TRICARE Senior Pharmacy Program" to allow all beneficiaries to participate, including those over the age of 64, without enrollment fees. Military retirees over the age of 64 will be able to choose out-of-network pharmacies, and pay a deductible of $150 per year.

In addition to these important provisions, the conference report also authorizes the development of the United States Marine Corps Heritage Center at Marine Corps Base in Quantico, Virginia. This report permits the Department of the Navy to accept, without compensation, a land transfer from the Park Authority of Prince William County. The Marine Corps Heritage Center will be developed by a joint venture between the Department of the Navy and the Marine Corps Heritage Foundation. It is my strong belief that the Heritage Center represents the kind of partnership between federal and local government and the private sector which should be encouraged more often.

The Marine Corps Heritage Center will be situated on 135 acres in Locus Shade Park, presently a county-owned site adjacent to the Marine Corps Base in Quantico, Virginia. The 460,000-square-foot Heritage Center will be used for historical displays for public viewing, curation and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the Marine Corps University. In addition, the main building will include a museum, visitor center, gift shop, restaurant, exhibits, and possibly a movie theater. Funding for the Heritage Center will be provided almost entirely by private sources.

I believe the Heritage Center will provide visitors with valuable information and insight about the Marine Corps and its long tradition of service to America. Given Virginia's rich history and the Marine Corps' legacy, it is only fitting that Virginia will be host to the U.S. Marine Corps Heritage Center.

I urge all of my colleagues to support the conference report to H.R. 4205, as this important legislation will fulfill America's vital military needs for FY2001. In addition, I would also like to commend the conferees and their staffs, whose hard work and diligence brought this conference report to the floor.

Mr. HILLEARY. Mr. Speaker, I rise in support of this conference report. I want to commend the efforts of Chairman Spence for accomplishing many important goals in this bill that should have been done long ago.

Since last spring, I have been visited several times by workers who got sick working at Oak Ridge. Mack and Ann Orick, Harry Williams, Jan Michelle and Janine Voner are representative of thousands of people who worked on our nation's nuclear weapons programs at facilities like Oak Ridge. They have played a central role in defending the United States over the past fifty-plus years. They have rightly been called "Cold War heroes."

Like the Oricks, Harry Williams, Jan Michelle and Janine Voner, many of these heroes have paid a tragic price for their role in defending their country. Thousands have been afflicted with debilitating and sometimes deadly diseases due to exposure to hazardous waste and radiation.

These sick workers, and the families left behind by workers who contracted terminal illnesses, should be compensated for their sacrifice. In fact, compensation is long overdue.

I was pleased to be appointed to this conference committee to find a way to compensate sick workers. The agreement that was worked-out is a reasonable start, but is only that—a start.

The plan that finally emerged is based on legislation written by Senator FRED THOMPSON that passed the Senate. It requires the President to send Congress by March 15, 2001 a specific proposal detailing the level of compensation and benefits that should be paid. If Congress does not act on the proposal by July 31, 2000, a default benefit level of $150,000 plus medical benefits will take effect.

Those who worked for the Department of Energy (DOE) and civilian companies with which it contracted suffering from chronic beryllium disease, chronic silicosis or a radiogenic cancer which could be linked to their service at the DOE site will qualify for compensation.

I believe this solution is a sound first step and probably the best we can get at this time. However, we may be able to do better in the next session of Congress. These workers, heroes of the Cold War, deserve to be compensated. They provided an invaluable service to their country, unaware that their bodies were being exposed to agents that would have a devastating impact on their lives.

With the leadership of Senator FRED THOMPSON, and along with my colleagues in the House like Representatives ZACH WAMP, LINDSEY GRAHAM and ED WHITFIELD, progress is finally being made on the tremendous debt that is owed to people who worked in our nuclear weapons industry.

Further, this bill also moves us forward in keeping our promise to provide permanent lifetime health care to America's military retirees and their eligible family members.

The program will take effect beginning in fiscal year 2002 and is open to military retirees and their eligible family members. Under the plan, beneficiaries could keep their current Medicare provider and use TRICARE as their Medicare supplement paying any costs not covered by Medicare. Beneficiaries would pay no co-pays or deductibles.

The plan also includes no enrollment fees or premiums for all Medicare eligible beneficiaries. The agreement also reduces the maximum out of pocket expenses for all military retirees by sixty percent, from $7,500 to $3,000.

In addition to the permanent TRICARE for Life initiative, the conference committee also approved and strengthened several military health care proposals adopted by the House and Senate earlier this year.

Other benefit improvements include expansion of DOD's mail order and retail pharmacy programs to allow participation by all beneficiaries and one year extension of the demonstration program "TRICARE Senior Prime," which is also known as Medicare subvention.

Mr. Speaker, this conference will protect our national security and take care of those that ensured our protection. I encourage all my colleagues to support this conference report.

Mr. MALONEY of Connecticut. Mr. Speaker, I am proud to support H.R. 4205, the Defense Authorization bill for 2001. This bill includes many important provisions that advance this Nation's national security interests. The measure properly addresses our Armed Forces' modernization efforts, safeguards the military's combat readiness and does right by our men and women in uniform and their families.

The measure authorizes $309.9 billion for defense programs, nearly equal to the amount provided in the House and Senate versions of the bill. This is $4.5 billion above the Administration's request and $21.1 billion above the amount appropriated for FY 2000. Specifically, the bill authorizes $63.2 billion for weapons procurement, $38.9 billion for research and development, $111.0 billion for operations and maintenance, $8.8 billion for military construction and family housing, and $13.1 billion for

defense-related activities of the Department of Energy.

This bill will also allow us to keep the promise of lifetime health care to America's veterans and their families. As an original cosponsor of the health care provisions of the Defense Authorization Conference Report, and as a member of the Defense Conference Committee, I am particularly pleased with this legislation. Specifically, the bill provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members; restores pharmacy access for all Medicare-eligible military retirees; and authorizes the Department of Defense to begin a Thrift Savings Plan. Moreover, the bill provides a 3.7 percent pay increase to continue to close the gap between civilian and military pay. Indeed, this legislation is a victory for the 1.4 million Medicare-eligible military retirees and their families. They will not receive what they earned and deserve: lifetime medical care, as promised to them when they enlisted in the U.S. Armed Services. It has been the intent of many of us to make this year the Year of Military Health Care, and through this legislation, we have done just that.

In addition, the bill establishes a compensation plan for personnel made ill by exposure to toxic or radioactive materials while working on U.S. government nuclear weapons programs, including those who developed chronic silicosis and uranium mine workers who are currently covered under a less generous compensation program. This is a critical effort that I support. The bill also requires the Defense Department to report on the progress being made toward developing and implementing a comprehensive strategy in the Balkans, and to detail the commitments and contributions of European nations and the United Nations to peacekeeping operations in Kosovo. This is a proper approach. Finally, the bill endorses the thrust of the agreement reached between the U.S. Navy and the Commonwealth of Puerto Rico earlier this year to address the Navy's live-fire training on Vieques Island. I believe that agreement is the best way of addressing both the Navy's readiness requirements as well as the interests of the Puerto Rican population.

Lastly, I am very pleased that this bill provides fire departments nationwide the resources necessary to hire and train more firefighters, purchase and update equipment, and sponsor fire safety education programs. I am particularly proud of this legislation because it was incorporated from the Firefighter Investment and Response Enhancement (F.I.R.E.) Act, which I sponsored last year. This legislation for which I worked hard to include in the Defense Authorization Conference Report as a House Armed Services Committee conferee strengthens public safety through enhanced emergency services by authorizing $400 million over two years in grants to local fire departments. With one out of every three firefighters and over 24,000 civilians injured each year, and with about 100 firefighters and over 4,000 civilians killed annually in fire related emergencies, this legislation will pay significant public safety dividends for both firefighters and the families they serve.

Under provisions of the legislation to assist firefighters, grant funds will be used to hire and train new recruits and to buy new equipment. The legislation will help career departments hire additional personnel to meet coverage needs, while saving local taxpayers the added financial burden. Both career and volunteer departments will be able to acquire badly needed, but expensive, equipment such as thermal imaging cameras. Such cameras can locate people trapped in a smoke filled building who might otherwise be killed. Many departments and companies have not purchased such equipment because of the unit and training costs.

Firefighter grant funds will pay up to 90% of all project costs for local volunteer fire departments that serve 50,000 people or less and up to 70% of the costs for local career fire departments as well as volunteer departments that serve more than 50,000. Matching funds can be provided by either state or local governments. At least 5% of the funds will be set aside for grants to local programs dedicated to prevention and public safety education. Fires cost the nation an estimated $100 billion annually. Only $32 million in federal resources are available for fire prevention and training, compared to $11 billion on law enforcement. We have clearly seen the positive benefits of putting more money into law enforcement with the crime rates falling in most every category and in most all communities. We will now do the same for fire prevention and fire safety by providing the necessary resources to help our local fire departments battle their share of the nearly 100,000 fires in the United States annually.

Mr. REYES. Mr. Speaker, I rise in support of the conference report to the Floyd D. Spence National Defense Authorization. This conference report is important because it focuses on providing our soldiers, sailors, airmen and Marines the equipment and other resources necessary to accomplish the vital mission of protecting this Nation's vital interests.

There has been considerable debate during this election year about the status of our military's readiness. This discussion often focuses on a range of topics including pay, facilities, new equipment, size of the force and procurement. Well, I'm proud to stand before you and tell you that this report does more than debate, pontificate or raise additional discussion items. This report funds and places resources where the service chiefs feel they are needed. And, in a number of cases, provides additional funding to address the service chief's unfunded requirements for their procurement, readiness and modernization efforts.

It is also important to acknowledge that this conference report also addresses a number of quality of life issues for our military personnel. There are a number of important initiatives included in this report. Some may see these initiatives as an increase in benefits. However, things like increased minimum housing allowances for young families, and a 3.7% pay raise and a comprehensive set of improvements to the military health care system are not perks or increased benefits. They are simply the least we can do for those service members and their families who sacrifice every day.

Beyond all of the campaign rhetoric and posturing, this report demonstrates Congress' commitment, our commitment to our Nation's military and the men and women who serve in that military. I urge all of my colleagues to support this conference report.

Mrs. TAUSCHER. Mr. Speaker, I rise today to make clear my opposition to a provision originally in the Senate's version of the Defense Authorization bill. This provision authorizes a study on a new type of weapon, one that many have started to call ''mini-nukes.''

The purpose of this study is for the government to consider a new weapon capable of destroying underground bunkers. Proponents of the provision say that the bunkers in question are used by States of Concern to protect their leaders in times of crisis, or to store stockpiles of biological or chemical weapons. They also say the weapons are an improvement over prior systems since the release they cause of chemical or biological agents into the environment is negligible. Therefore, proponents argue, we must have these weapons.

The problem is that we don't need new nuclear weapons; the Defense Department has not even identified a requirement for this type of weapon. What is more, I know from top-secret discussions with the Pentagon that we have other, non-nuclear ways of destroying and disabling the underground bunkers.

Studying a new weapon only takes us one step closer to manufacturing it. And this is one weapon we do not need to manufacture. One of the major concerns I have with this study is that it focuses on making a ''usable'' nuclear weapon, or one that does not harm civilians. But that is ridiculous—no nuclear weapon can side-step mass destruction and the harming of civilians. By today's nuclear standards, the bomb we used on Hiroshima was tiny. But look at the destruction those bombs caused—even though the city has been rebuilt, the area still has a disproportionate number of children with mental deficiencies.

Finally, as a supporter of the Comprehensive Test Ban Treaty, I want to point out that provisions like this one only take us closer to the resumption of tests. Those who ''study'' any new weapon not already in our stockpile will naturally want to test that particular weapon.

The fact is, this provision is a bad one. It we are truly interested in nuclear nonproliferation and in downsizing our own nuclear stockpile, the last thing we should be doing is laying the plans for a new weapon.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

As Chairman of the Subcommittee on Military Installations and Facilities, I am please to inform the House that this conference report authorizes $8.8 billion for the military construction and military family housing programs of the Department of Defense, an increase to the President's request of $787 million. These funds will be used to meet critical shortfalls affecting the qualify of life of military personnel and their families and to improve facilities supporting the training and readiness of the armed forces. This conference agreement is consistent with the bipartisan agreement reached earlier this year on the military construction appropriations bill.

This conference agreement also provides for an extension of the military housing privatization initiative that is beginning to show some significant successes. Properly implemented, this program will go a long way toward resolving the housing crisis confronting military families.

Beyond military construction, Mr. Speaker, this is landmark, legislation. I have long been concerned about the quality and availability of health care for both retirees and active duty personnel. The health care reforms provided in this bill will meet the promises made to earlier generations of servicemen and women and will guarantee that those promises will be kept to those in uniform now and those volunteers who will come after them.

I urge all members to join me in support of this important bill.

Mr. GOODLING. Mr. Speaker, I rise in support of the conference report on H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001.

Several of the provisions included in this agreement are under the jurisdiction of the Committee on Education and the Workforce and I am pleased that we were able to come to an agreement.

First, I am pleased that the Department of Defense authorization bill includes a provision that further amends the Women, Infants and Children's (WIC) program for military personnel stationed overseas. In last year's Department of Defense bill, the conference committee adopted provisions of a bill I introduced, H.R. 1779, requiring the Secretary of Defense to fund and operate a nutritional assistance program for families of military personnel overseas. That law also included a provision that required the housing allowance received by military personnel to be taken into consideration when calculating eligibility for the overseas WIC program.

Consistent with my original bill, H.R. 1779, this year's conference agreement eliminates that requirement and allows more overseas military personnel to benefit from the program.

Second, I would especially like to thank the conferees for agreeing to include the Impact Aid program as a part of the conference agreement. Impact Aid is one of our Elementary and Secondary Education Act programs. It provides important financial assistance to schools impacted by a federal presence such as military installations and Indian lands. Earlier this year the House passed H.R. 3616, which continued the authorization of the Impact Aid program. However, no further action has taken place and given the lateness of this session it is most important that we get these changes enacted into law this year. We have worked with House and Senate members in coming up with compromise language and I am pleased that the conferees have agreed to include this language in the conference agreement.

Some of the specific provisions included in the Impact Aid part of the conference report would: change the formula for heavily impacted school districts to speed up the distribution of funds; protect against any large decreases in payments for children due to Department of Defense housing and transfer privitization efforts; address the needs of school districts impacted by housing units built under the ''Build to Lease'' program; continue to provide schools with a higher level of payments for children who move off base for a period of time when their homes are being rebuilt; and modify the current construction program in order to provide for a competitive grant program for school districts highly impacted by a military presence.

Mr. Speaker, the Impact Aid program has been a valuable source of assistance to heavily impacted schools and school districts over the years. Without this program, many school districts would be without the full complement of resources they need for providing a high quality education to their students. I greatly appreciate the willingness of House and Senate conferees to include this important legislation in the Department of Defense conference report.

A third issue of interest to the Committee on Education and the Workforce deals with military recruiters on high school campuses. In some parts of our nation, military recruiters are denied access to recruit on secondary school campuses, even though the same schools give access to prospective employers and colleges and universities. The conferees have included language that will give recruiters the same access that prospective employers and higher education institutions enjoy.

The conferees have also included protections for those that do not wish to allow military recruiters on campus. If a school board, by majority vote, indicates that it does not want military recruiters on campus, then that decision would be respected under the legislation. In addition, the conferees have included a provision that makes clear that private secondary schools with religious objections to military service do not have to provide access to recruiters. Finally, I wish to thank the conferees for making several technical changes in this section and for adding the Education and Workforce Committee as one of the committees to which reports on recruiting access will be provided.

The legislation also contains a provision establishing a pilot program to reengineer the equal employment opportunity complaint process for Department of Defense civilian employees. This will allow the continuation of a successful alternative dispute resolution (ADR) program already begun by the Navy—which has reduced the average wait for a determination on the merits from 781 to just 111 days. The bill permits the expansion of this model to other defense agencies. This complements our committee's successful efforts to have the Equal Employment Opportunity Commission expand use of ADR to expedite the processing of charges of discrimination in the private sector.

Finally, this legislation establishes the Energy Employees Occupational Illness Compensation Program. This provision will establish a compensation program for those workers who helped build the nation's nuclear program and who have suffered illness and disease because of their work. I worked to ensure that this provision will require some further assessment and enacting legislation before full implementation. As a cautionary note, I point out that as we have certainly learned from our committee's experience with other similar programs, it is especially important that Congress keep a watchful eye on what happens down the road. Congress should work to ensure that the program remains targeted to help only Department of Energy employees with specific occupational illnesses, rather than evolving into a bloated, over-broad and open-ended entitlement program. I recognize this has been a difficult provision to work through, but I commend the conferees on giving this provision the Congressional review necessary.

Mr. Speaker, on balance, I believe the conferees have done an excellent job of reaching agreement on some very difficult issues. I once again want to thank them for working with the Committee on Education and the Workforce to resolve issues under our jurisdiction. –I would urge my colleagues to support the conference agreement.

Mr. BOEHNER. Mr. Speaker, I support and urge my colleagues to support the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002 (H.R. 4205) which contains an important provision to the friends, relatives, and military colleagues of William H. Pitsenbarger. The provision permits the Medal of Honor to be awarded posthumously to Airman First Class William H. Pitsenbarger, a pararescue crew member from Piqua, a town in my district. He was killed in a military operation assisting in the rescue of Army personnel who were severely out numbered and surrounded by Vietcong troops near Cam My, Republic of Vietnam on April 11, 1966.

I have included a short article describing his heroic action from the Air Force Association magazine, Valor, published in October 1983.

'THAT OTHERS MAY LIVE'

(By John L. Frisbee)

A1C Bill Pitsenbarger knew the risks involved when he volunteered to drop into the midst of a jungle firefight.

By April 1966, 21-year-old A1C William H. Pitsenbarger, then in the final months of his enlistment, had seen more action than many a 30-year veteran. Young Pitsenbarger had gone through long and arduous training for duty as a pararescue medic with the Aerospace Rescue and Recovery Service and had completed more than 300 rescue missions in Vietnam, many of them under heavy enemy fire. He wore the Air Medal with five oak leaf clusters; recommendations for four more were pending. A few days earlier, he had ridden a chopper winch line into a minefield to save a wounded ARVN soldier.

His service with ARRS convinced Pitsenbarger that he wanted a career as a medical technician. He had applied to Arizona State University for admission in the fall. But that was months away. He had a job to do in Vietnam and, as rescue pilot Capt. Dale Potter said, Pitsenbarger ''was always willing to get into the thick of the action where he could be the most help.''

On April 11 at 3 p.m., while Pitsenbarger was off duty, a call for help came into his unit, Detachment 6, 38th ARR Squadron at Bien Hoa. Elements of the Army's 1st Infantry Division were surrounded by enemy of forces near Cam My, a few miles east of Saigon, in thick jungle with the tree canopies reaching up to 150 feet. The only way to get the wounded out was with hoist-quipped helicopters. Pitsenbarger asked to go with one of the two HH–43 Huskies scrambled on this hazardous mission.

Half an hour later, both choppers found an area where they could hover and lower a

winch line to the surrounded troops. Pitsenbarger volunteered to go down the line, administer emergency treatment to the most seriously wounded, and explain how to use the Stokes litter that would hoist casualties up to the chopper.

It was standard procedure for a pararescue medic to stay down only long enough to organize the rescue effort. Pitsenbarger decided, on his own, to remain with the wounded. In the next hour and a half, the HH–43s came in five times, evacuating nine wounded soldiers. On the sixth attempt, Pitsenbarger's Huskie was hit hard, forced to cut the hoist line, and pull out for an emergency landing at the nearest strip. Intense enemy fire and friendly artillery called in by the Army made it impossible for the second chopper to return.

Heavy automatic weapons and mortar fire was coming in on the Army defenders from all sides while Pitsenbarger continued to care for the wounded. In case one of the Huskies made it in again, he climbed a tree to recover the Stokes litter that his pilot had jettisoned. When the C Company commander, the unit Pitsenbarger was with, decided to move to another area, Pitsenbarger cut saplings to make stretchers for the wounded. As they started to move out, the company was attacked and overrun by a large enemy formation.

By this time, the few Army troops able to return fire were running out of ammunition. Pitsenbarger gave his pistol to a soldier who was unable to hold a rifle. With complete disregard for his own safety, he scrambled around the defended area, collecting rifles and ammunition from the dead and distributing them to the men still able to fight.

It had been about two hours since the HH–43s were driven off. Pitsenbarger had done all he could to treat the wounded, prepare for a retreat to safer ground, and rearm his Army comrades. He then gathered several magazines of ammunition, lay down beside wounded Army Sgt. Fred Navarro, one of the C Company survivors who later described Pitsenbarger's heroic actions, and begin firing at the enemy. Fifteen minutes later, as an eerie darkness fell beneath the triple-canopy jungle, Pitsenbarger was hit and mortally wounded. The next morning, when Army reinforcements reached the C Company survivors, a helicopter crew brought Pitsenbarger's body out of the jungle. Of the 180 men with whom he fought his last battle, only 14 were uninjured.

William H. Pitsenbarger was the first airman to be awarded the Air Force Cross posthumously. The Air Force Sergeants Association presents an annual award for valor in his honor.

The Aerospace Rescue and Recovery Service is legendary for heroism in peace and war. No one better exemplifies its motto. ''That Others May Live.'' tan Bill Pitsenbarger. He descended voluntarily into the hell of a jungle firefight with valor as his only shield—and valor was his epitaph.

Bill Pitsenbarger showed honor in a time of tremendous pressure. He put other lives before his own. He put his country before his self-interest and he proved that America would remain the land of the free and fight for the freedom of others by showing it was still the land of the brave.

The town of Piqua still holds enormous pride for Bill Pitsenbarger and the community as well as Pitsenbarger's colleagues and friends wholeheartedly join me in supporting the award of the Medical of Honor. Pitsenbarger's heroism is well known in the Air Force. In fact, the Air Force Sergeants Association has named its award for heroism after him. More than a dozen other military and civilian buildings, organizations and monuments around the world that have been named in his honor.

I have worked with numerous organizations and individuals in researching and investigating the Pitsenbarger record. On behalf of these supporters, I submitted to Air Force Secretary Whitten Peters in March 1999 a package of materials to upgrade Pitsenbarger's award to the Medal of Honor. In the past 18 months. Pitsenbarger's file has been reviewed by Pentagon officials including the Secretary of the Air Force, the Joint Chiefs of Staff, The Deputy Secretary of Defense and the Secretary of Defense. They have recommended posthumously awarding him the Medal of Honor.

I believe this Medal of Honor is long overdue. My fellow Ohioans, Pitsenbarger's colleagues and Air Force enlisted personnel join me in the belief that this finally corrects the injustice and gives Mr. Pitsenbarger the recognition that he so deeply deserves.

Mr. MALONEY of Connecticut. Mr. Speaker, my colleague from California, Mrs. TAUSCHER, and I are proud to support H.R. 4205, the Defense Authorization bill for 2001. Among its many important provisions with regard to both people and equipment, the bill addresses several especially notable policy issues: the bill provides permanent lifetime TRICARE eligibility to Medicare-eligible military retirees and their family members; restores pharmacy access for all Medicare-eligible military retirees; and authorizes the Department of Defense to begin a Thrift Savings Plan. Moreover, the bill provides a 3.7 percent pay increase to continue to close the gap between civilian and military pay.

However, as members of the Conference Committee that negotiated the final details for this bill, we cannot overlook the fact that one important provision has been left out. Recent acts of hate violence have opened many people's eyes to the brutal reality of bias motivated violence and the urgent need to do something to prevent it.

Because hate violence affects where people live and travel and terrorizes entire communities, the federal government has a unique obligation to prevent hate violence against any group. Current federal law only covers race, religion, national origin and color. The Hate Crimes Prevention Act would give federal agencies the authority to investigate and prosecute hate crimes based on a victim's real or perceived sexual orientation, gender, or disability.

Mr. Speaker, the Senate and the House each voted separately to include language in the bill addressing hate crimes. We are disappointed that the leadership in Congress has seen fit to ignore the will of both bodies by removing this provision from the Fiscal Year 2001 Defense Authorization bill. For the will of the powerful leadership in Congress to prevail over the will of the majority in both Houses is not only an affront to us, but also to the democratic principles that govern us.

Mr. LARSON. Mr. Speaker, I rise today to express my dismay this afternoon that the Conference Report for the National Defense Authorization Act for Fiscal Year 2001, H.R. 4205, does not contain language which would have expanded federal hate crimes laws. Despite this disappointment, as a member of the House Committee on Armed Services, I have no choice but to support the Conference Report and will vote for it.

As we all know, Mr. Speaker, a majority of members in both the House and the Senate voted to include the hate crimes provisions in this bill. The Senate voted in favor of an amendment adding the hate crimes provisions to the Senate version of the bill on June 20th by a vote of 57 to 42. On September 13th, I was eager to join the majority of my colleagues in the House in voting in favor of the Conyers motion to instruct conferees to include these provisions in the final version of this bill. It is truly shameful, however, that the Republican Leadership in Congress was able to prevent the inclusion of these provisions in the conference report despite the fact that majorities in both Chambers voted in favor of them.

The Hate Crimes Prevention Act, H.R. 1082, was one of the first bills I co-sponsored upon becoming a Member of Congress. I believe that this legislation is a common sense effort to combat the heinous crimes that are being committed against members of our society simply because they are a member of a specific group. Some have argued that hate crimes laws are not needed because all crimes are hate crimes. Of course all crimes are wrong and should be punished. What makes this legislation so important, however, is that hate crimes are intended to intimidate and punish a whole class of people. Whether it is a lynching in Texas, a crucifixion in Wyoming, or spraying bullets in a bar in Virginia, these horrific acts are intended to terrorize entire groups of people and should be punished accordingly. It is a centuries old part of our common law system to weigh the element of intent in evaluating the severity of a crime and the hate crime law do just that.

It is tragic that the Republic Leadership in Congress has been able to disregard the clear majority of both Chambers and prevent the hate crimes provisions from being included in this bill. I will join the President in his fight to include them in another piece of ''must pass'' legislation so that we can do our part before adjournment to combat these horrific crimes.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 31, not voting 19, as follows:

[Roll No. 522]

YEAS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
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)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Baldwin
Blumenauer
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Ehlers
Frank (MA)
Gutierrez
Jackson (IL)
Kucinich
Lee
Lewis (GA)
Lofgren
Markey
McDermott
McKinney
Miller, George
Nadler
Owens
Paul
Payne
Sanders
Schakowsky
Sensenbrenner
Shays
Stark
Velázquez
Waters
Woolsey

NOT VOTING—19

Campbell
Cannon
Danner
Eshoo
Franks (NJ)
Hutchinson
Klink
Largent
Lazio
McCollum
McIntosh
Meehan
Miller (FL)
Neal
Shuster
Talent
Waxman
Weygand
Wise

□ 1252

Mr. MARKEY changed his vote from ''yea'' to ''nay.''

Messrs. BARRETT of Wisconsin, DELAHUNT and TIERNEY changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CANNON. Mr. Speaker, I was unfortunately delayed away from the Capitol during the vote on the Defense Authorization legislation, H.R. 4205. However, had I been here, I would have voted "yea."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4265.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ENERGY AND WATER REDEVELOPMENT APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of October 10, 2000, at page H9575).

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) is recognized for 1 hour.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the veto message of the President of the United States to the bill, H.R. 4733.

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

There was no objection.

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

Mr. Speaker, I yield the customary 30 minutes to the gentleman from Indiana (Mr. VISCLOSKY) for purposes of debate only.

Mr. Speaker, I rise to urge my colleagues in the strongest possible terms to override the President's unfortunate veto of the Fiscal Year 2001 Energy and Water Development Appropriations Act.

Of all the appropriations bills, this is one of the most bipartisan. The conference agreement that we presented to the House 2 weeks ago is fair and balanced.

Through the programs of the Corps of Engineers and the Bureau of Reclamation, we have provided funds to maintain and rebuild our critical water resources infrastructure and protect millions of citizens who are currently vulnerable to the devastating effects of floods.

Funds that we have provided through this bill for the Department of Energy will help to strengthen our national defense, increase our scientific knowledge, and help us to become more energy independent.

In spite of all the good things in this bill, the President has legislated to veto it over a single provision included

by the Senate. The administration asserts that this provision would undermine implementation of the Endangered Species Act. That is simply incorrect.

Under the provisions of section 103, all alternatives for protecting endangered species on the Missouri River, including a spring rise in river levels, can continue to be studied and only a revision in the Master Water Control Manual that results from spring rise is prevented from being implemented in fiscal year 2001.

I wish to significantly note that the Corps of Engineers has confirmed that it will not be prepared to implement a revised Water Control Manual for the Missouri River until the spring of 2003 due to the time it will take to comply with the provisions of the National Environmental Policy. Therefore, this issue really is not an issue. It cannot be implemented before the bill would address in terms of the time limits.

On October 2, the President issued a statement in which he said that this provision would ''establish a dangerous precedent aimed at barring a Federal agency from obeying one of our Nation's landmark environmental statutes.''

If the President truly believes that today, then why did he not believe it four other times when he signed this very provision into law?

We have done our very best on this bill to accommodate the priorities of all Members of Congress, including the Democrats and Republicans equally and the administration, as well.

Almost 2 weeks ago, we approved a conference agreement by a vote of 301–118. I was disappointed at that time that a number of Members who had come to us for assistance and whose wishes we did accommodate in the bill voted against passage of the conference report. Some who voted against the conference report may have had their concerns addressed in other bills.

Specifically, the Interior Appropriations Conference Report, which now sits on the President's desk and he will likely sign it I am told, included $8 million for the Northeast Home Heating Reserve Issue.

□ 1300

I am sure that that was part of the reason that some voted against the conference report on this bill. I expect that all the Members who voted in favor of the bill two weeks ago will do so again today and encourage all those Members who voted no last week to reconsider that decision. I sincerely hope that we do not have to reopen this bill at this point and possibly reconsider items that have already been agreed to.

I truly believe that a wise use of the taxpayers money is rebuilding America's infrastructure. It is spending their tax dollars to improve their quality of life. It is a very good expenditure of funds. And so our conservative Members who feel that we have spent too much in this bill I hope will recognize that this is spending money in their districts, improving the quality of life of their citizens. It is not in the best interest of our Nation to hold up this important piece of legislation over a single provision. Therefore, I ask all Members to vote to override the President's unfortunate veto of this bill.

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

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

I join my colleague, the gentleman from California, in asking all of my colleagues on both sides of the aisle to vote to override the President's veto of H.R. 4733, the Energy and Water Appropriation Act for the year 2001. The chairman eloquently addressed the primary controversy that is engaged in this legislation and that is the Army Corps manual and regulations dealing with water flow on the Missouri River. I would join in his observations.

First of all, that the President in 4 previous years has signed legislation with similar language. Secondly, as far as the issue that is of complaint to the President, it will not come to fruition for another 2 fiscal years, so I do not think it would be appropriate to veto this legislation based on that one provision, given the good work the chairman and the committee has done on the bill.

The President also mentioned, however, three other items in his veto message, and I would like for a moment to address each of his concerns. The President indicated he is upset that we had not set aside enough funds for renewable and solar energy. I would point out to the Members that for the current fiscal year 2000, we appropriated and the administration will spend $362 million for these programs. The conference report that was approved by the House and Senate and sent to the President approved for this coming fiscal year $422 million for these programs, a $60 million increase.

The President also had concerns relative to expenditures for the Florida Everglades. The fact is that this legislation contains $20 million in construction funds for the Everglades, the exact dollar figure in the President's budget. What the President wanted to do is to add additional expenditures that had not yet been authorized, and we have been very diligent in ensuring that unauthorized programs not enter into the legislation.

Finally, the President has complained that $20 million was not set aside for the so-called Bay-Delta CALFED program. In past years, we have appropriated up to $60 million for this important program; and the chairman, during the debate and discussion we had on the floor on the conference report, indicated it was his desire to set aside those $20 million if again we had authorization to do so. A compromise to date has not yet been struck. We lack the authorization and, therefore, the chairman, I think wisely, although I know it was a very tough and painful decision for him, decided not to include those moneys in the bill, and I think it is an eminently justifiable position.

Mr. Speaker, I would suggest for these reasons and those propounded by the chairman of the subcommittee that all of the Members of this institution vote to override the President's veto.

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

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee on appropriations.

Mr. LATHAM. I thank the gentleman very much for yielding me this time.

Mr. Speaker, I would just first of all like to say this is extraordinarily unfortunate for the people in Iowa, Nebraska, Missouri, everyone in the lower Mississippi delta that the President vetoed this bill over the use of the Missouri River. This is an extraordinarily important issue. It goes to saving lives of people who live along the Missouri River, to saving their property. It goes to how much energy, how much electric power is available during the peak season in the summer coming out of the dams upstream. It has to do with usage on the river as far as navigation which they want to dry up the river basically in the summertime. We have a very important issue with recreation in Sioux City, Iowa, using the marina.

Mr. Speaker, I will submit a letter from the bipartisan city council of Sioux City in opposition to the President's position. I think this is an issue which is not a partisan issue. This is simply wrong. The President has signed four previous bills that had this provision in it that today he says he vetoes the bill for, and you wonder why. It has to go, I believe, to an extreme environmental position. I think with the Presidential election coming up and the Vice President taking an extreme position here, I think Iowans and people in Nebraska and Missouri should really take a look at who is favoring a radical group over the lives and property of people who live along the river and the very well-being of those people.

Mr. Speaker, I think it is very unfortunate if we have to reopen this bill to find other moneys for some of the priorities the President looked at that we are going to have to look in the bill. We are not going to have new money. We have to look in the bill to find out people, projects, things like that if we are going to fund the new initiatives, also.

Mr. Speaker, I rise in support of the override of this very unfortunate and misguided veto.

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

OFFICE OF THE CITY COUNCIL,
Sioux City, IA, October 3, 2000.

U.S. Representative TOM LATHAM,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LATHAM: One of the issues that we understand you are addressing is the management of the Missouri River. First, we would like to thank you for your previous votes on this issue on behalf of Sioux City and Iowa. We appreciate very much your support and understanding in this issue. What still needs consideration and study is how those changes to the current management may affect Iowans and the downstream states affected by those changes. We thank you for the time and attention you are giving to this matter.

There should be a broader perspective on the issue at stake than just recreation versus navigation. Policies developed with much deliberation for over four decades such as this should be approached very carefully. there are industries such as downstream recreation, hydropower generation, agriculture, transportation, and navigation that would be dramatically affected by the plan to implement a spring rise in the spring with correlating low flows during late summer and early fall. There are also issues such as flood control for cities, counties, and farmland along the Missouri River that have not yet been sufficiently studied to assess potential damage and economic impact.

Downstream Recreation.—The Sioux City Riverfront Master Plan calls for $8 million in improvements to the City's Marina and riverfront area. The City of Sioux City cannot proceed with economic plans until the full effects of changes to the management of the Missouri River are known. The pulse and character of Sioux City revolves around the river, boating, and water sports. There are also riverboat gambling operations on the Missouri River that generate $80 million to Iowa's state taxes—specifically to fund the recently passed Vision Iowa legislation. Iowa State statute compels riverboats that gamble to sail at least 100 days per year and it is unknown how this will affect their ability to comply with state statute and how that potential loss of revenue would affect Iowa's future.

Hydropower Generation.—Under the spring rise plan we would only be able to use approximately 58% of full capacity during the peak energy usage period. All public energy utilities receive a percentage of their energy as hydropower, very inexpensive energy. When there is excess hydropower energy, that power can be marketed to an eager marketplace looking for this lower-cost energy. When the hydropower supply is lower, as is would be in times of low flow, higher cost energy must be used and that extra cost is passed on to consumers. The effect of decreasing hydroelectric supply in a peak usage period with dramatically increased rates needs further study.

Flood Control.—While spring rise flows will likely not flood Sioux City at current estimates, the effects of high flows from tributaries will need to be studied before either the City of Sioux City or Woodbury County could endorse the spring rise option.

Transportation Costs to Agriculture Industry.—The farm economy is extremely weak, experiencing low prices, increased interest rates than previous years, and high fuel prices. The agriculture industry will take another hit if they lose the ability to haul and store grain and fertilizer, especially at peak harvest periods. The busiest time for agriculture shipments is the exact time that the low flow period in a split navigation scenario would decrease the ability to use the river for transportation and would leave farmers with fewer transportation and storage options. Data taken on corn bid prices from November 10, 1999 shows that corn bid prices range from 13–51 cents more per bushel for sites located near a river when compared with those sites that are landlocked and dependent solely on rail and truck transportation. Navigation on the Missouri River assists farmers with an additional avenue to market and transport their commodities at competitive rates.

Industrial Commodities.—It has been proven that there is an economic advantage in industry to have access to both rail and barge transportation. Rail companies charge less, irrespective of distances traveled, if either the initial or final location is near a barge facility, due to the desire to remain competitive with barge rates. These water-compelled rates enable our companies to remain competitive with comparatively much larger operations. These companies would see 50% increase in transportation costs without access to barge transportation and would be ultimately passed on to consumers.

Degradation Through High Rises.—The impact on riverbed degradation must be determined before the artificially high flows are implemented as already serious degradation problems will only get worse with the spring rise approach. The high-rise period in 1969–1972 degraded the riverbed by four feet and high rises in 1993–1996 degraded the riverbed by an additional two feet. Further degradation will threaten the under-river utility crossing, continue the current loss of wetland and oxbow lake areas due to drainage into the river, will eventually threaten bank stabilization structures, piers, and abutments, as well as increase the maintenance cost for marinas and boat ramp basins. The City of Sioux City's collector well and possibly two of the radials of that well would be impacted if additional significant erosion or degradation were to occur.

Sincerely,

MARTIN J. DOUGHERTY,
Mayor.
CRAIG S. BERENSTEIN,
Council Member.
TODD A. MOSS,
Mayor Pro-Tem.
TONY DRAKE,
Council Member.
THOMAS R. PADGETT,
Council Member.

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. I thank the gentleman for yielding me this time.

Mr. Speaker, I urge this body to override the President's veto. I am fortunate enough to represent 216 miles of river which includes the Mississippi but 86 miles of the Missouri River that forms the boundary in my district.

I would ask, Mr. Speaker, that Members of this body really would give some deference to this bipartisan coalition of Members in Missouri that do not support the Fish and Wildlife's position, that would urge an override of the President's veto, that is, this proposed spring rise. The section at issue is section 103 that simply says that none of the funds available in this energy and water bill would be available to revise the master manual to provide for an increase in the springtime water release during heavy spring rainfall and snow melt in States that have rivers that drain into the Missouri. As the chairman pointed out, this has been in the previous four out of the five spending bills that Congress has passed, the President has signed. It allows a range of different options but only prevents one specific harmful alternative and that is a controlled flood.

I hope those that support the President's veto do not try to create this false choice between picking between the environment and picking between commerce. Clearly, commerce is affected. As the gentleman from Iowa mentioned before, navigation is extremely important. This affects the lower Mississippi River Valley as well. In fact, if this split navigation season had been in effect a year ago, it would have meant three feet of draft water difference in Memphis, Tennessee, which really does affect navigation along the lower Mississippi. But even on the environmental point of view, we have scientists in our State, our Missouri Department of Natural Resources, that opposes a spring rise. They say they are convinced that off-channel and nonflow-related mitigation and restoration efforts are the best ways to enhance habitat. They say that the Missouri River already has a natural spring rise hydrograph, yet we have not seen how certain species are flourishing and so they look at other options.

Mr. Speaker, we can be environmentally friendly and still support this veto override. That is why our own State Department of Natural Resources believes that improvement projects can be done with the cooperation of adjacent landowners, that that will provide the best success.

Let me just say that the Missouri River, we are very blessed as it is a natural resource that supports 60 species of mammals, 301 species of birds, 52 species of reptiles or amphibians, 156 species of fish. The President vetoed this bill because of two birds and one fish that are on the endangered species list. I would ask, Mr. Speaker, that we would consider the habitat of the 22,500 homeowners that are located within the identifiable flood control area, flood plain area.

I urge this body to override the President's veto.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman for yielding me this time.

Mr. Speaker, my State has been trying to revise the master manual for a long time. Unfortunately, this issue

has become political and it should not. It has become more about endangered species than it has about people. The State of South Dakota has a lot at stake in this debate. We have a huge recreational industry in our State. In fact, the recreational industry in South Dakota and surrounding States is about $80 million a year, whereas navigation is about $7 million a year. The master manual needs to be revised to reflect modern uses. The Corps of Engineers is working with the U.S. Fish and Wildlife Service and with the eight Missouri Basin States in an association, the Missouri River Basin Association, to do just that. There is a schedule in place. The environmental impact statement is due out in June of next year. The final decision is due in 2002.

My point very simply, Mr. Speaker, is that this is an independent process. It is a process that is working to build consensus among the States of the Missouri River Basin. It should not become bogged down and involved in politics and unfortunately it has. I supported the energy and water bill when it left the House because it had water funding that is important to my State of South Dakota and the chairman worked closely with us to secure that. This issue became bogged down and the President vetoed it over an independent provision, a provision which, as I said earlier, has no immediate consequence because the process that is in place to revise the master manual moves forward independent of this rider. It is important in my view that we get a master manual fix, a revision that is reflective of modern uses on the reservoir.

The spring rise/split season approach frankly, Mr. Speaker, is not in the best interests of South Dakota. It hurts hydropower generation. We would lose about $50 million a year in hydropower generation if that becomes the change. It also hurts, I think, a lot of the downstream areas south of Gavins Point in the area of bank erosion. There are environmental problems associated with this. And what has happened is all these things have become hostage to the piping plover, the least tern, and the pallid sturgeon.

I support those things, Mr. Speaker. We want to make sure that we protect endangered species but not at the expense of people, not at the expense of a process that is moving forward on an independent track and which will address the master manual in a consensus way.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I urge Members on both sides of the aisle to vote in a bipartisan way to override the President's veto. The Democratic mayor of Council Bluffs, Iowa stood recently with the Republican mayor of Omaha saying we do not like the idea of controlled floods. We have Republicans and Democrats from South Dakota, Iowa, Nebraska, Missouri. The gentleman from Missouri (Mr. GEPHARDT) is not in favor of the new flood plan.

We should vote to override the President's veto on this, and we should look at a better plan.

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of the subcommittee and also one that has worked on this bill considerably.

□ 1315

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

Mr. Speaker, I rise in strong support of overriding the President's veto of the 2001 Energy and Water Appropriations bill, and I urge each and every Member who voted in favor of the conference report 2 weeks ago to maintain their support for this legislation today.

The administration appears to show a callousness toward the rural people who will be flooded. This callousness smells of the comments that the gentleman from Rhode Island (Mr. KENNEDY) made earlier this year to the effect that the Democrats were writing off the rural areas, and I am quoting, ''to hell with the rural people,'' unquote, attitude.

Well, the flooding of Missouri and several other States has in several recent years put Missourians and others through a sort of hell. I ask for some compassion and common sense here for these people.

My other concern is about the trustworthiness of the administration. This very provision has been signed in the previous 4 years.

PARLIAMENTARY INQUIRY

Mr. VISCLOSKY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his parliamentary inquiry.

Mr. VISCLOSKY. Mr. Speaker, a certain four-letter word has been mentioned several times here on the House floor, and I am wondering if it is appropriate given the decorum of the House.

The SPEAKER pro tempore. In response to the inquiry of the gentleman from Indiana (Mr. VISCLOSKY), it is not in order to use profanity during debate, even if uttered and quoted from a printed source.

The gentleman from Michigan (Mr. KNOLLENBERG) is recognized.

Mr. KNOLLENBERG. Mr. Speaker, I accept that.

Mr. Speaker, as I said a few short weeks ago, this is a good bill, and a good conference report. It is balanced and responsible. At a time when energy costs are hitting record levels and when water projects vital to the lives of American citizens are needed, we cannot sit idly by as the President would have us do.

So I would just simply say that this bill is worthy of becoming law, and I believe that we have every reason in the world, as a Congress acting in this fashion, to override this veto because, frankly, it does not speak to the needs of the people. So I would just join in with those who have already spoken on behalf of overriding this veto by the President. I think it is a just bill, and I think it is proper that we do override this veto.

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

Mr. Speaker, I would simply end my remarks by again asking my colleagues to vote to override the President's veto.

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

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

Mr. Speaker, I would simply like to reaffirm the fact that, and I think it is well known in this body, we have tried to write this conference report as a very bipartisan piece of legislation. I have gone as far as I know how to go to really reach out to the other side, and I hope that they will recognize that this is a good bill and, therefore, we need to override the President's veto.

Mr. POMEROY. Mr. Speaker, when the House considered the Energy and Water Appropriations Conference Report nearly two weeks ago, I voiced my strong opposition to the legislative rider that would prevent the Corps of Engineers from moving forward to revise the Missouri River Master Manual. At the time I indicated that I would vote to sustain the President's veto if the conference report came back to the House and I intend to do that today.

Today, the Missouri River is managed by the Corps of Engineers on the basis of a manual that was adopted over 40 years ago. Under the manual, the Corps manages the river by trying to maintain steady water levels through the spring and summer to ensure there is always enough water to support barge traffic downstream. Unfortunately, under this management system, navigation has been emphasized on the Missouri River to the detriment of upstream interests, including recreation, which is much more important now than it was in 1960. The projections on barge traffic used to justify the manual have never materialized and have actually declined since its peak in the late 1970s.

The manual used today does not provide an appropriate balance among the competing interests. The time has come for the management of the Missouri River to reflect the current economic realities of a $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The Corps should not be stopped in their efforts to revise and update the manual and achieve a balance between all parties who use and rely on the Missouri River.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 315, nays 98, not voting 19, as follows:

[Roll No. 523]

YEAS—315

Abercrombie
Aderholt
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—98

Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Brown (OH)
Castle
Chabot
Coburn
Conyers
Cook
Cubin
Davis (IL)
DeFazio
DeLauro
DeMint
Deutsch
Dingell
Doggett
Engel
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gibbons
Green (WI)
Gutierrez
Gutknecht
Hilliard
Hinchey
Holden
Holt
Hostettler
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Kind (WI)
Kleczka
Kucinich
Largent
Lewis (GA)
Lowey
Luther
Maloney (CT)
Markey
McCarthy (MO)
McDermott
McKinney
McNulty
Meeks (NY)
Minge
Moran (KS)
Myrick
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Paul
Payne
Petri
Pomeroy
Portman
Ramstad
Rangel
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sanford
Sensenbrenner
Shays
Sherman
Slaughter
Stearns
Stenholm
Sununu
Tancredo
Toomey
Towns
Velázquez
Waters
Watt (NC)
Wexler
Weygand
Wynn

NOT VOTING—19

Archer
Barton
Campbell
Coble
Danner
Eshoo
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
Meehan
Miller (FL)
Moran (VA)
Neal
Schaffer
Shuster
Waxman
Wise

□ 1340

Mr. BERMAN changed his vote from ''yea'' to ''nay.''

Messrs. HASTINGS of Florida, DELAHUNT, GONZALEZ, and SCOTT, Ms. KILPATRICK, Mr. RODRIGUEZ, Mrs. JONES of Ohio, and Ms. CARSON changed their vote from ''nay'' to ''yea.''

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 523, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 617

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 617 is a rule providing for the consideration of the conference report to accompany H.R. 4461, the agriculture appropriations bill for fiscal year 2001.

The rule waives all points of order against the conference report and its consideration. The rule provides that the conference report shall be considered as read.

I am pleased, Mr. Speaker, to support this rule, which provides for the consideration of the conference report to accompany H.R. 4461, the agriculture appropriations bill. I believe the conference report represents a good overall package. It provides important funds desperately needed by America's farmers.

For instance, the bill includes $3.5 billion in emergency disaster relief funds for farmers. Just last week, I was able to tour severely flooded areas in my district with FEMA Director Witt and saw the extent of the over $200 million worth of crop losses just in agricultural South Florida due to the heavy rains.

□ 1345

The devastation underscored to me how critically important disaster assistance can be to our farmers. The main bill is a good product from an agricultural perspective. It provides $80 billion in mandatory and discretionary spending while setting aside $5 billion to reduce the public debt.

Mr. Speaker, I am pleased that portions of the Hunger Relief Act are included. As an original cosponsor of that important legislation to help poor families, children and the elderly have adequate access to hunger assistance programs, I believe that the legislation takes an important step in the right direction by including it in the conference report.

Mr. Speaker, I would like to thank several of my colleagues for their tireless efforts in helping negotiate a carefully crafted compromise on the issue of sanctions: the gentleman from New Mexico (Mr. SKEEN), the gentleman from Florida (Chairman YOUNG), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Washington (Mr. NETHERCUTT), and the gentleman from Missouri (Mr. BLUNT) worked throughout the process with me, and the gentlewoman from Florida (Ms. ROS-LEHTINEN), my dear friend, to achieve a fair compromise.

Mr. Speaker, I am deeply grateful to the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. ARMEY), the majority leader, and the gentleman from Texas (Mr. DELAY), the majority whip, for their support, as well as the Senate majority leader and Senator MACK.

I would also like to take this opportunity to thank some of the staff who contributed to these successful negotiations, especially Scott Palmer, Julianne Carter, Nancy Dorn, Steve Vermillion, Ylem Poblette, and Steve Rademaker.

The compromise authorizes sales of United States agricultural commodities to the Cuban regime; but without American financing, it also makes clear that the President cannot expand travel categories and accompanying revenues to totalitarian Cuba beyond the existing ones.

In other words, the primary objective of the Cuban dictatorship that the United States taxpayers subsidize the regime, in effect taking the place of the former Soviet Union, is not permitted. Nor can the Cuban dictatorship dump its agricultural products on the United States market, to the serious detriment of American farmers. That dumping, by the way, Mr. Speaker, is another fundamental goal of the Cuban regime.

At the same time, the Cuban dictatorship after this legislation will no longer have the excuse with regard to the great food shortages that it has created for the Cuban people while foreign tourists and the regime's hierarchy have access to all the luxuries that dollars can buy. It will no longer have the excuse of a legal inability to purchase American agricultural products.

Mr. Speaker, so while United States farmers look at new markets under this legislation, especially in other countries dealt with by the agreement, key pressure and leverage are maintained for a democratic transition in Cuba.

The agreement takes note of the floor votes regarding Cuba policy by the House and Senate in the recent past: the votes regarding agricultural sales to Cuba; the differing votes in the House and Senate with regard to travel, the Senate having voted against U.S. unrestricted travel to Communist Cuba, and the strong vote against totally dismantling the U.S. embargo on the Cuban dictatorship by this House on July 20 of this year.

The essential framework of the United States policy toward Cuba that sanctions will be maintained until the political prisoners are freed, labor unions and the press are legalized, and free elections are agreed to, is left in place in this legislation.

Mr. Speaker, we need not even look to the myriad lessons of history, though we certainly could, for proof of the wisdom of that policy. As we speak today, sanctions are being lifted against Yugoslavia, including travel restrictions, because, and only after, the dictatorship there held elections and agreed to recognize the winner of those elections.

Sooner or later, but mark my words, inevitably, freedom will come to the long-suffering island of Cuba as well, and the free men and women of the free and democratic republic of Cuba will wish to do business with those who choose to stand alongside them for freedom and did not collaborate with the totalitarian dictatorship.

I hope the House and Senate will pass this legislation to help our farmers. All eyes will then be on the Clinton-Gore administration. Will the President sign this conference report to help American farmers despite the opposition of the Castro dictatorship? I certainly hope that he does.

Mr. Speaker, I will let the appropriators speak to the other issues included in the conference report, but I do wish to strongly urge my colleagues to support this rule and the underlying legislation.

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

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

Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary time.

Mr. Speaker, once upon a time, not too very long ago, this House passed two very forward-thinking amendments. One would have lifted the American embargo on food and medicine going to Cuba. It passed the House by a vote of 301–116. The other would have allowed American citizens to travel to Cuba. Mr. Speaker, that passed the House 232–186.

Mr. Speaker, nobody has heard about them since. I have been to Cuba. I have seen the pain of the Cuban people. I have seen the children in Cuba suffer for lack of simple medical devices. Senior citizens in Cuba grow frail far sooner than they should for lack of modern medicine. Meanwhile, we in the United States have the world's best doctors, best hospitals, best researchers.

We should be sharing those discoveries with our Cuban neighbors because it is the right thing to do, not denying them because we oppose Fidel Castro's policies.

But this conference report will not let us do that. Mr. Speaker, this conference report subverts the will of the vast majority of the House, because the Republican leadership disapproves. The Republican leadership also apparently disapproves of allowing American citizens the right to travel freely.

Mr. Speaker the way it stands now, American citizens are allowed to travel to Iran. American citizens can go to North Korea, but they are not allowed to travel just 90 miles away from this country to a country that is no threat to us in any way.

I believe that this is an unjustified denial of Americans' liberty. I believe American citizens are the best kind of diplomats in the world, and our government should get out of the travel agency business and let them go where they want.

But, Mr. Speaker, the Republican leadership disagrees. This conference report codifies travel restrictions on Cuba which will make it harder for future administrations to allow Americans to travel to that island. This, too, despite a vote to the contrary.

So despite the overwhelming votes in the House, the Republican leadership has made sure we continue that effective ban on food and medicine to Cuba and prevent Americans from traveling there.

Mr. Speaker, once again, they put politics before people, and not only in Cuba. Despite the high costs of prescription drugs and the great opportunity before us, this bill will do virtually nothing, nothing to lower drug prices for the people right here in the United States. It is riddled with so many loopholes. Mr. Speaker, I am surprised that there is anything left of it at all.

Today's New York Times directly quotes a drug lobbyist saying, and I quote, ''I doubt anyone will realize a penny of savings from this legislation.''

In fact, this conference report enables drug companies to choke off the supply of low-price foreign drugs to

American consumers who are out there looking for that break.

Mr. Speaker, American seniors pay about $1,100 a year for their medicine. In order to pay the bills, some of them have to choose between paying rent, heating their homes, buying food or actually getting their medicine; and that is why I am urging my colleagues to oppose the previous question.

If the previous question is defeated, I will offer an amendment to make in order the Democratic plan to allow access to the supply of lowest-cost medications that meet American safety standards.

Mr. Speaker, drug prices are far too high in the United States, and we need to do something about it. Now is our chance, so I urge my colleagues to oppose the previous question and oppose the rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from south Florida (Ms. ROS-LEHTINEN), my very good friend and distinguished colleague.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART), my colleague, for yielding me the time.

Mr. Speaker, I rise in support of the rule for the agricultural appropriations conference report. The sanctions language in this bill is the result of a long and painstaking process, one which would not have been possible without the participation and support of those in leadership who, from the onset, committed themselves to a final product which would meet the expectations of both sides of this very hot debate.

While the language in this conference report makes changes to existing law, it does so without undermining U.S. foreign policy or national security priorities regarding the Castro regime, nor America's commitment to freedom and democracy for the enslaved Cuban people. By maintaining the licensing requirements and the review process, the provision acknowledges the Cuban dictatorship's support for global terrorism and guerrilla insurgents who seek to overthrow the legitimate, democratically elected governments in the Western Hemisphere.

Mr. Speaker, it underscores the Castro regime's espionage activities against the United States; its coordination of and direct involvement in drug trafficking into the U.S.; and its murder of U.S. citizens.

By prohibiting U.S. financing, credits, guarantees and bartering, the sanctions provisions in this bill acknowledge the lawlessness and the corruption that pervades the Communist system implemented by Fidel Castro and the totalitarian nature of a regime which controls all sectors of the Cuban economy, the government, and society as a whole.

These prohibitions underscore the dictatorship's inability to pay its debt. For example, the regime owes over $11 billion of debt to Western governments and $300 million in back payments owed to oil suppliers. This is just the microcosm of a much larger endemic problem.

As a result, the financing prohibitions in this bill protect the American taxpayers from bailing out Castro. It allows for agricultural trade with the regime, but on a cash-only basis, thereby saving our constituents from loan defaults and failed investments.

Mr. Speaker, by prohibiting imports from Cuba, it protects America's farmers from dumping, from other illegal trading practices, from contamination and infestation, from a regime which repeatedly ignores its commitments under global trade pacts which it has already signed.

More importantly, the sanctions provisions in this bill reiterate the historic and long-standing commitment of the United States Congress in support of freedom and democracy for the long-suffering Cuban people. By denying the Castro regime access to hard currency and U.S. financial institutions, it helps ensure that the U.S. does not become an accomplice to the continued subjugation and enslavement of the Cuban people; that the U.S. does not directly contribute to the coffers of this totalitarian regime.

As a result, the sanctions provision acknowledges that the Castro regime has been repeatedly cited by our own State Department as one of the worst violators of human rights in the world and condemned by both the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights for its systematic, ongoing violations of the basic rights of its citizens.

This is a regime which persecutes and imprisons its citizens. It tortures them. It denies them food and medical attention. It forces them to rot in squalid jail cells, because these people have the courage to demand that their rights be heard, that their rights as human citizens be respected, to demand that their civil liberties be respected and upheld, to demand freedom, to call for free and democratic multiparty elections where they will be able to participate in determining Cuba's future.

□ 1400

This is a dictatorship which has been condemned by the OAS Special Rapporteur for Freedom of Expression precisely for its blatant disregard for the rights of the Cuban people.

For those of us who have experienced firsthand what it means to live under the brutal Castro regime, the debate about whether to allow agricultural sales to Cuba was a gut-wrenching one.

However, the legislative process is founded upon men and women of principles reaching an agreement on issues, a compromise that will promote American interests here and abroad. This bill, Mr. Speaker, accomplishes this goal.

Mr. Speaker, I urge my colleagues to support the rule, to support the conference report; and reiterating the words of the gentleman from Florida (Mr. DIAZ-BALART), I would also like to thank the people on our side of the aisle who helped in fashioning this agreement: The gentleman from New Mexico (Mr. SKEEN), the gentleman from Florida (Mr. YOUNG), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Missouri (Mr. BLUNT) and the gentleman from Washington (Mr. NETHERCUTT).

Mr. Speaker, I hope this bill sends a strong message to the Cuban people that we in the United States Congress stand by their side and not by their regime.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise to oppose this rule. Mr. Speaker, today is a very sorry day for the American people. It is a sorry day because a small group opposed to the will of this House and the will of the other body have struck a deal among themselves depriving the American people access to Cuba.

This bill will loosen restrictions on the commercial sale of food and medicines to the governments of North Korea, Libya, Sudan and Iran, but Cuba is treated differently. When it comes to Cuba, our farmers and medical companies will have to find financing, not through American banks, but through third country financial institutions.

This makes it far more likely that Cuba will continue to be forced to purchase food, other agricultural products, medicines and medical devices from other countries. It all but guarantees that small and medium-sized American farmers will not be competitive in a Cuban market.

The Cuba provision in this bill hurts American farmers, it hurts American bankers, and it is an insult to the American people. This bill also codifies current restrictions on travel to Cuba.

Should this President or the next President want to extend travel licenses for universities to set up exchange programs from the current 2-year license to 3 years, he will have to ask Congress.

Should this President or the next one want to allow Cuban-American families to travel to Cuba three times a year instead of the current once-a-year permit, he will have to ask Congress.

Should this President or the next one decide all Americans should have the freedom to travel wherever they choose, he will have to ask Congress.

But wait a minute. Congress has already spoken on these issues. Three

hundred one Members of this House voted to lift the restrictions on the sale of food and medicine to Cuba. Two hundred thirty-two Members of this House voted to end the sanctions on travel to Cuba.

So who needs to be asked? Not Congress. Just a handful of Members who still cling to the 40-year-old failed Cold War policy of the past.

Mr. Speaker, the Cuba provision in this bill ensures that the American people, the very best ambassadors of American values and ideals, will be banned by their own Congress from traveling just 90 miles off our shore. That is a disgrace.

I urge my colleagues to oppose this rule and demand that this bill reflect the true will of this House and the will of the American people.

Mr. DIAZ-BALART. Mr. Speaker, I ask the gentleman from Massachusetts (Mr. MOAKLEY) how many speakers he has on his side that wish to speak.

Mr. MOAKLEY. Mr. Speaker, I would like to inform the gentleman from Florida (Mr. DIAZ-BALART) that we have many speakers. We have very many speakers. In fact, all our time is given out.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reality of the matter is that, first of all, as I stated in my statement previously, there is a difference of opinion with regard to the travel issue. By the way, the travel issue was brought to the floor here on a limitation amendment, not a substantive amendment, a limitation amendment.

Yet even assuming that that was an amendment wherein or whereby the House spoke, there was not a limitation amendment, but a substantive amendment before the Senate, a different result. So it is important that it be brought out that there is a difference of opinion with regard to that issue in recent votes between the House and Senate.

With regard to the examples brought out about academics and others being able to travel, that is under the current restrictions, under the current regulations permitted. So what is not permitted under this legislation is an expansion of further travel and initiative with the purpose of the most immediate, what would constitute the most immediate generator of hard currency for the regime.

It is estimated that massive American tourism would produce up to $5 billion a year for the Cuban regime. Right now we are in a situation where, if my distinguished colleagues would read the wires, for example, with regard to the very little coverage that there is of the internal situation of Cuba, there is a crackdown as we speak against dissidents and other peaceful pro-democracy activists in Cuba. There are sentences being handed out of 15 years or 10 years as we speak. So is this the moment, then, to expand accepted gestures towards the regime.

Now, we are saying to the farmers, you can go and sell if Castro pays, but the U.S. taxpayer is not going to. The U.S. taxpayer is not going to finance Castro. No, no, no. For that, there is no consensus. There is no majority here, I can assure my colleagues. Mr. Speaker, the U.S. taxpayer financing substituting for the Soviet Union, no. That is not something that American farmers want. They want to be able to go and compete, but they do not want Castro and his regime of thugs to be subsidized by the U.S. taxpayer. No. That is not the issue.

Now, some in this Congress would like that. Some in this Congress would like the U.S. taxpayer to become the new Soviet Union and subsidize Castro, but that is not what the American people want.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today to speak against the rule to consider the Agriculture conference report. My specific concern is with the reimportation language. As it stands, it is nothing more than a Trojan horse.

Seniors in my congressional district have asked me time and time again to do something about the skyrocketing prices of prescription drugs. This has certainly been a priority for me, and it has definitely been a priority for Democrats.

Sadly, there are some for whom this is not a priority such as those who replace the bipartisan reimportation compromise with a watered down version. These people are going to leave seniors to pay the price for their indifference.

The Democratic pharmaceutical reimportation plan is safe, effective, and keeps savings in the pockets of our seniors and out of the pockets of the pharmaceutical industry. The current version does not.

Our plan allows broad access to supply the lowest cost medications that meet U.S. safety standards. The current version does not.

Our plan is designed for a lifetime. The current version is not. I urge my colleagues in the House vote no on the rule to consider the Agriculture conference report. Because of the prescription drug reimportation language is just that, language.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Massachusetts (Mr. MOAKLEY) has 23 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 16½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, the drug reimportation provision in this bill is a sham. The provision the Republicans are now proposing is riddled with loopholes that will render its passage virtually meaningless.

First of all, it includes a sunset clause. After 5 years, the proposal is phased out. Second, under this sham proposal, if manufacturers use foreign language labels or any labels that fail to meet FDA specifications, the drugs will not be eligible for reimportation.

The Republican leadership also included a third loophole for the pharmaceutical industry's protections that allows drug companies to enter into restrictive contracts with foreign distributors that prevent such distributors from reselling pharmaceuticals to American pharmacies and wholesalers.

This is business as usual for our seniors, which means price gouging and price discrimination.

Under the Democratic proposal, every Medicare beneficiary will have the option of enrolling in the prescription drug benefit plan that, not only is affordable, but will guarantee access to all medically necessary drugs and provide coverage for catastrophic drug costs. These are the types of measures that we should be considering today.

Stop this fraud from being perpetrated on our seniors. Vote no on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Florida for yielding me time on this well-constructed rule. I rise in strong support of the rule and of the bill.

The work that the Subcommittee on Agriculture of the Committee on Appropriations has done under the leadership of the gentleman from New Mexico (Chairman SKEEN) I think is a strong work product, and they are to be commended.

This was a very difficult bill, loaded up with a lot of extraneous issues that really are not specifically appropriations issues. But, nonetheless, the committee took on the challenge.

I am very proud, Mr. Speaker, of the fact that we provided $3.5 billion in emergency relief to our farmers, including the farmers in the dairy industry that have suffered for so long with such low prices. This will provide them with some stability in the marketplace and enable them to continue on a very difficult course of producing milk and making profit.

The same goes to our apple producers who have never had the benefit of this sort of support before from the Congress. I think it is landmark legislation in that we have provided these emergency funds. Many of the apple State legislators, the gentleman from New York (Mr. REYNOLDS), the gentleman

from Washington (Mr. HASTINGS), and others worked very, very hard to include this hundred million dollars plus funding.

We have also, Mr. Speaker, changed the rules on the Hunger Relief Act, the food stamp requirements. I think this is a very important minor fix to some of the reforms that an earlier Congress had endeavored to pass. To reduce the overall cost of public assistance and food stamps in the country was an absolute success.

Well, welfare reform has been an absolute success, including the fact that we have raised over 2 million young people in this country out of poverty through that Welfare Reform Act.

However, two of the things that needed to be changed on food stamp regulations were the value of an automobile. If one had an automobile worth more than $4,600, one did not qualify for food stamps. We changed that. The States now can set their own value.

Also, we changed the shelter allowance. With oil prices rising and energy costs rising, rental, apartment rents that are attached to those will also rise. We change that to increase the shelter allowance from $280 to $340 which will allow more people to move from welfare to work and yet still have the benefit of food stamps. So I think it is an important reform.

Mr. Speaker, there are many important issues in here. The last that I will mention is the reimportation of drugs. We have done a lot of demagoguery on the other side. Quite frankly, Mr. Speaker, the next President of the United States will determine with this Congress what the prescription drug plan is. We think we have a good one that gives people choices instead of letting HCFA, an agency that everybody despises on all sides of the issue have no use for HCFA, but yet they want to hand this decision over to HCFA. We prefer to let the seniors make those decisions themselves.

But what we have done is given the opportunity for individuals to buy drugs reimported into the United States at reduced prices to try to bring everybody's costs down.

Let the consumers help the consumers to pay for drugs until there is a prescription drug plan in place. I think it is a strong bill. It is a good rule. I urge its adoption.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. For the last 2 years, Democrats have been fighting to provide America's seniors with a universal, affordable, and guaranteed prescription drug benefit under Medicare. Republicans have fought tooth and nail to resist these attempts.

Now, 1 month before the election, Republicans have agreed to let pharmacies buy drugs from Canada for sale to U.S. citizens. Unfortunately, what started as a bipartisan compromise has been scrapped.

This legislation allows drug manufacturers to discriminate in pricing against U.S. importers. It allows manufacturers to deny U.S. importers access to FDA approved labels. It allows purchasers to force Canadian wholesalers to sell products at the inflated American price. Reimportation is rendered nearly impossible by this bill.

It is not surprising that a drug industry lobbyist was quoted this morning in The New York Times saying, ''I doubt anyone will realize a penny of savings from this legislation.''

This legislation will not help our seniors. The American people will see through this empty Republican promise.

Mr. MOAKLEY. Mr. Speaker I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I want to follow what the gentleman from Maine (Mr. ALLEN) just had to say. This drug reimportation section is really a sham. It is a partisan ploy by the Republicans to pretend like they are doing something by allowing consumers to bring in lower price drugs sold in Canada and elsewhere into the United States.

But I have a good example. I have two pharmaceutical products. They are the exact same brought. One is Prilosec. It is the number one drug in the United States. The other one is the same drug, it is also made by the same company, but the Canadian version goes by a different name called Losec.

This bill allows the pharmaceutical companies to get the Canadians to agree that they will not allow Losec to come into the United States under the name Prilosec. Under the rules, the consumer would pay the higher price still in the United States because they would not be able to purchase that drug that sold in Canada for a cheaper amount.

□ 1415

I would urge that we defeat the previous question so we can get a rule to make this drug reimportation section really work for consumers.

Mr. Speaker, I rise to express my opposition to the rule on the Agriculture appropriations bill. This rule does not allow language to close the loopholes in the drug reimportation provisions reported by the conference. I ask my colleagues to defeat the previous question on this rule so that we will have an opportunity to amend the drug provisions.

The legislation we are considering today only pays lip service to a very real problem facing millions of Americans across this country—the high costs of prescription drugs.

The legislation before us today is a sham. Instead of actually solving the problem, it gives America's seniors a placebo and hopes that they won't notice until after the elections.

The reimportation provision is riddled with loopholes. One loophole allows drug manufacturers and their intermediaries to price discriminate against U.S. pharmacies and importers. Under the bill, it would be legal for drug companies to require their foreign distributors to charge U.S. importers more than foreign purchasers.

A second loophole allows drug makers to block importation by denying U.S. importers access to FDA-approved labels.

I have two packages of pills here. One is from the U.S. and one is from Canada. They are the same drug—an ulcer medication made by Merck and called Prilosec in the U.S. Prilosec was No. 1 selling drug in the United States in 1999.

The U.S. version costs much more than the Canadian version. The whole purpose of the bill is to allow the import of the cheaper Canadian version.

But under this bill, the Canadian version of Prilosec can't come in. You see, the label is different. The drug is called Losec in Canada and the label has an entire section of information written in French. So the label isn't FDA-approved.

There's nothing that the U.S. importer can do to fix this. The importer will be barred from using the correct label by U.S. copyright and trademark law.

This isn't an isolated case. My staff has analyzed Canadian labels and found that virtually none of the Canadian labels would meet FDA labeling requirements. I ask unanimous consent that this staff report be printed in the RECORD.

Our seniors deserve better than this. They deserve better than false promises of cheap drugs. They deserve more than false hopes that they will be able to buy the drugs they need.

PRESCRIPTION DRUGS WITH FOREIGN LABELS

The drug importation provisions in the Agriculture Appropriations bill contain several significant loopholes. One major loophole is created by the fact that foreign drug labels generally differ from the FDA-approved labels that must be used in the United States. In effect, the bill creates a labeling ''Catch-22'' for would-be U.S. importers.

As the bill is currently drafted, U.S. importers cannot import foreign drugs with labels that differ from the FDA-approved label. But U.S. importers cannot relabel the drugs with FDA-approved labels because doing so would violate the copyright and trademark protections held by the drug manufacturers. An amendment offered by Rep. DeLauro to give U.S. importers the right to use the FDA-approved labels was voted down on a party line vote (9–6) during the conference.

The following discussion provides more information about this labeling ''Catch 22,'' along with examples of foreign drugs with labels that differ from the FDA-approved labels.

Selling drugs without the FDA-approved label is misbranding. Prescription drug labels provide basic information on the drug, its formulation, the manufacturer and distributor, and how it is used. Every country has different labeling requirements. In the United States, when a company files an application for approval of a new drug, the

company submits the label to FDA. Any deviation from the label submitted by the manufacturer without prior FDA approval constitutes misbranding of the drug. The penalties for misbranding under the Federal Food, Drug, and Cosmetic Act include fines and imprisonment.

Some drugs are sold under different names in the different countries. Prilosec, an ulcer medication made by Merck, was the number one selling drug in the United States in 1999. It is much more expensive in the United States ($120.45 for thirty 20 mg pills) than in Canada ($51.60) or Mexico ($34.50). However, in Canada and Mexico, the drug is sold under a different brand name: Losec. Because of this difference in names, the Canadian or Mexican labels are not the FDA-approved label. Bringing Prilosec into the United States with the Canadian or Mexican label is misbranding.

Drug labels can be in different languages. In the United States, approved drug labels are in English (sometimes FDA also approves labels with some information in Spanish). In Mexico, labels are in Spanish; in Italy, labels are in Italian. Canadian drug labels are bilingual, in French and English. Labels that are not in English, or that are bilingual English-French labels, differ from the FDA-approved label. Distributing drugs with these labels is misbranding.

Drug labels can have different identification numbers. In the United States, all approved drugs receive an FDA identification number, known as a National Drug Code number. This number appears on virtually all U.S. labels. In Canada, however, approved drugs have a different number, a Drug Information Number (DIN). The DIN appears on all Canadian labels. Because the U.S. NDC code and the Canadian DIN are different. Canadian labels differ from the FDA-approved label, and selling a drug with a Canadian DIN in the United States constitutes misbranding.

Drugs are often distributed by different entities in different countries. When a manufacturer submits an application for approval of a new drug, the manufacturer must identify all the distributors of the drug. In many cases, the distributors of the drugs in the Unites States are different from the distributors in many countries. For example, the popular diabetes drug Glucophage is distributed in the United States by Bristol-Myers Squibb. However, when sold in Canada, the drug is distributed by Nordic Laboratories. If the Canadian distributor is not approved by FDA, drugs with labels listing this distributor differ from the FDA-approved label and cannot be sold in the United States.

Drugs can have different indications. For some drugs, the indication information provided on labels from other countries is not the same as the U.S. information. For example, Dilantin, an anticonvulsant manufactured by Parke-Davis, contains the following information on the Canadian label: Adults, initially 1 capsule 3 times daily with subsequent doses individualized to a maximum of six doses daily. Usual maintenance dose is 3 to 4 capsules daily. Children over 6 years of age, 1 capsule three times daily or as directed by physician.

The U.S. label contains slightly different information for adults and no dosage information for children. The U.S. label states: ''Adults, 1 capsule three or four times daily or as directed.'' Because the United States and Canadian versions of the drug label contain different dosage information, the drug cannot be sold in the United States with the Canadian label.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I urge a ''no'' vote on this rule. I strongly support the concept of reimportation, and helped to introduce the initial legislation with the gentleman from Arkansas (Mr. BERRY) and the gentlewoman from Missouri (Mrs. EMERSON). I support that concept because it is an outrage that the people of this country pay two times, five times, ten times more for the same exact drugs manufactured in the United States and sold in Canada, sold in Mexico, and sold in Europe.

We are the suckers of the world, paying far more to an industry which is the most profitable industry in this country, earning $27 billion in profits, while the pharmaceutical industry fought us from the beginning on this bipartisan effort. They spent $40 million against us. They have 300 paid lobbyists in Washington, D.C. fighting against us; yet we moved forward in a bipartisan way.

Unfortunately, at the very end of the stage, at the end of the process, a nonpartisan effort became partisan. The Republican leadership introduced legislation with significant loopholes which would go a long way to nullify what we tried to do. Let me quote The New York Times today. A lobbyist for one of the Nation's biggest drug companies, which have worked against the measure, said, ''I doubt that anyone will realize a penny of savings from this legislation.''

The existing legislation allows the following loopholes: it allows drug companies and their intermediaries to price discriminate against U.S. pharmacies and importers. In other words, yes, we can import product into this country, but it cannot be sold for a lower price than the existing price. It allows drug manufacturers to block the importation of drugs through labeling. Yes, we can bring drugs in from Italy, but we cannot use labels that the American people can understand that will get FDA approval. It does not guarantee American consumers access to the best world market prices. For a reason that no one can understand, Mexico and other countries are not part of the process.

Let us vote ''no'' on this rule and let us create a strong loophole-free reimportation bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time, and I would like to rise and congratulate my fellow Committee on Rules member for the very important role he has played in bringing about a very balanced compromise.

It is no secret that I have for years stood in the well here and talked about the importance of globalization and global trade and expanding our Western values into repressive societies. I happen to believe that it has had a great deal of success, and I know that there are many here in this House who actually voted to broadly open up Cuba. But we were working on this compromise with the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) and several others here. So that is why I believe we have a carefully crafted compromise, and we hope very much the President is going to agree to sign this bill.

I also want to say that I believe when it comes to the issue of prescription drugs, we are pursuing a reasonably balanced approach on that. We all want to make sure that affordable drugs are available to our senior citizens, and a prescription drug plan happens to be a very high priority for this Republican Congress. The fact of the matter is our colleagues on the other side of the aisle are attempting to go to what is clearly a failed policy. It was a failed policy when it was applied here in the United States by a Republican administration, President Nixon, who imposed wage and price controls. It is a failed policy when we look at repressive societies all around the world.

Cost controls do not work. And when we look at the issue which is of prime concern to every single one of us, and that is finding a cure for diseases like Parkinson's, Alzheimer's, cancer, heart disease, it seems to me that we need to do everything that we possibly can to try to encourage and provide incentives for those individuals and those companies which are attempting to find cures for those so that we can, in fact, have an improved quality of life and we can have an extension of life, which is something that is very near and dear to all of us.

So that is why this bill deserves our strong support. I urge my colleagues to support this rule. Vote against the previous question, or whatever it is they might try to offer, and let us proceed and get a measure to the President's desk which he can sign.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise to oppose this rule and to ask our Members to vote ''no'' on the previous question on the rule. Now, why do I do that, as ranking member of the subcommittee? The base

bill is good; however, we want to defeat the previous question in order to offer an amendment that would allow us to have a real prescription drug benefit provision for the American people. And the only way we can get that amendment is by voting no. In fact, this will be the only measure in this Congress where we will be able to help lower prices in prescription drugs for the American public.

In this bill there is a so-called provision for prescription drugs, but I ask my colleagues to read it. What does it do? First of all, it expires after 5 years. So what importer or wholesaler is going to want to get in the business of bringing in drugs from Canada, at Canadian prices, which are lower than U.S. prices, when you know it would not be continuing down the road?

In addition to that, the underlying measure has a provision that would permit the big drug companies to insert contracting provisions that if any drugs are brought back into our country, for example, from Canada, they could only be sold at the higher U.S. prices rather than at Canadian prices. Our amendment says they cannot do that. They cannot have those kinds of restrictive contracts.

In addition, in the base bill, there is a provision that would deny the ability of the importers in our country to use the FDA-approved label so that we have the same name of the drug and we know that it is scientifically approved by FDA. They actually deny that in the underlying amendment. They would not allow us to amend the bill when we were in the conference committee.

So I would urge the membership to please give us our only opportunity in this Congress to vote for a real prescription drug benefit for the American people. Vote ''no'' on the previous question, this rule.

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

Mr. HINCHEY. Mr. Speaker, I urge the defeat of this rule, not because the underlying bill is poor. It is not. But because this rule does not give us an opportunity to insert within the bill language which would allow for a meaningful reduction in the price of pharmaceuticals for American citizens.

The bill pretends to allow the reimportation of pharmaceuticals from Canada, where they are available at one-half the price or less than that which they are available for here in the United States. It pretends to do that, but it does not really carry out that objective. It makes an omission, knowingly and wittingly, in that it does not provide for the means by which that importation will take place.

For example, the language in the bill leaves open the ability of the pharmaceutical companies in their contracts with the Canadian Government and Canadian distributors to insert contract provisions which will require that the drugs from Canada can only be reimported back into the United States at the highly inflated American price. For example, there is a very popular cholesterol inhibitor which is manufactured by Merck. It is available in Canada for $39. The same amount of exactly the same formulary, from the same company, costs $117 here in the United States.

If we are going to do anything to prevent the continued exploitation of American consumers in the price of pharmaceuticals, we have to defeat this rule. This is the only opportunity we have to deal with this issue in this Congress because the majority party has only given us this one opportunity, and it is a sham opportunity. It is a shell. It is empty. It does not accomplish the objective.

If we want to do something to reduce the price of pharmaceuticals, the only opportunity we will have to do that is by defeating this rule. The rule must be defeated.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the rule. It is riddled with loopholes and will do little to lower drug costs here in the United States.

I rise in support of this legislation which includes funding for a number of important initiatives to fight invasive species in the United States. I am specifically pleased that this bill includes $540 million for the Animal and Plant Health Inspection Service and $973 million for the Agricultural Research Service.

Both of these programs are essential to ensure that we win our battle against harmful invasive species that are killing our forests and farmlands.

The threat of invasive species outbreaks as a result of recent wildfires across the country have made many Members aware of the incredible threat that invasive species can pose to our natural resources, and I would like to thank the appropriators for including additional funding for APHIS and ARS, two programs which specifically help to control invasive species.

In New York, we are fighting the Asian Longhorned Beetle, which has already destroyed more than 2600 trees. Earlier this year, these beetles were found in several new locations across New York City. Experience has taught us that the only way we can destroy these incredibly destructive pests is to respond immediately and decisively.

The additional resources provided for APHIS and ARS will guarantee that we can accomplish this goal and protect New York City's greenspaces and forests across the country.

I strongly urge my colleagues to support this critically important legislation today.

I would also like to comment on the inclusion of provisions designed to deal with prescription drug imports. Although this bill will allow pharmacies and wholesalers to buy American-made prescription drugs and reimport them into the United States, this bill will do nothing to lower drug costs for people in the United States. It is riddled with loopholes.

In my home State of New York, breast cancer medications can cost over $100 per prescription while they are available in Canada and Mexico to their residents for a tenth of that price. Many women in my home State and, indeed, across the country are forced to dilute their prescriptions that fight breast cancer, to cut their pills in half because they cannot afford their prescription drugs in order to get by financially. And many in my home State get on the bus every weekend to go to Canada to purchase American manufactured drugs because it is cheaper than in their own country.

This situation is completely unacceptable. Sadly, the reimportation provisions included in this bill will likely have little effect on these seniors and many others around the Nation. We need to take stronger action to protect seniors forced to travel abroad to obtain medicines they desperately need. This language fails to achieve this goal.

Finally, this Congress needs to act now to pass real prescription drug legislation to solve this problem once and for all. I strongly support the bill put forward by the gentleman from Maine (Mr. ALLEN) which would make seniors the same preferred customers as HMO's and also the President's plan to expand Medicare to cover prescription drugs.

I urge this Congress to take real action on this issue today and make a difference for America's seniors.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Republican reimportation bill is a scheme that is so full of loopholes you can drive a truck through it. It denies seniors a chance at relief from the skyrocketing costs of prescription drugs. Seniors are being choked to death with the cost of prescription drugs. What we need to do, and what our goal should be, is to provide a prescription drug benefit through Medicare that is voluntary and covers all of our seniors.

Today, we have this sham pharmaceutical reimportation bill that was made in the dead of night by a very few Members of the Republican leadership behind closed doors. Today, prescription drug manufacturers can import prescription drugs. They are the only ones who can import prescription drugs into the United States. They have unfairly used this to control the distribution of the drugs at the expense of seniors.

Seniors know, and we all know, that people in other countries pay 20 to 50 percent less for the same medications. Zantac, made by Glaxo-Wellcome in the U.K., is marked up by 58 percent in the United States. Our seniors deserve better; they deserve the same medication at the same price.

This reimportation scheme really restricts access to safe, affordable prescription drugs from abroad. It gives

drug manufacturers a veto over the imports, and it is set to die just 5 years after the FDA regulations are in place.

Currently, U.S. reimporters cannot bring foreign drugs with labels that are different than the American labels into this country. The Republican leadership scheme traps U.S. reimporters by refusing to let them relabel the drugs, forcing them to violate copyright and trademark laws if they want to bring those affordable drugs to our seniors. Example: Dilantin. Made in Canada with one label; U.S., different label. We cannot bring the Canadian Dilantin into the United States without the same label. The pharmaceutical companies do not want to give permission to relabel Dilantin.

That is what this is about. This is one more attempt by the Republican leadership of this House to work with the pharmaceutical companies to thwart every single opportunity to bring in prescription drugs that seniors need to keep them healthy and to keep them alive. They do not want to, in fact, bring the cost of those drugs down, to bring the prices down so that people can get the medications that they need.

It is wrong and it is unconscionable and it is immoral for us to engage in this kind of trickery here today. Vote against this rule.

Mr. MOAKLEY. Mr. Speaker, may I inquire as to the time remaining for myself and my colleague.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Massachusetts (Mr. MOAKLEY) has 11½ minutes remaining, and the gentleman from Florida has 11 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

I must say, in listening to the rhetoric here and the passion of my colleagues across the aisle, I am a little confused, because they know that the language that is in the House bill is stronger and goes further than the original language offered by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from New York (Mr. CROWLEY), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Vermont (Mr. SANDERS), and all the stuff that we passed on the floor.

What we did in the House was we split the difference between the Jeffords language in the Senate and some of our House amendments. But as somebody who has worked for this language, I think this is good, and here is why.

□ 1430

It brings down the cost of drugs by putting a needed element of competition into it. We, under this bill, say that individuals can buy their drugs on the Internet or go over to Canada or Mexico and buy American-manufactured drugs at a less expensive price and drug stores can reimport this. There are safety concerns, $23 million for the FDA. There are certain kinds of drugs that we cannot reimport.

As far as the sunset provision goes, does anybody believe that in 5 years we are going to retract from this? This just gives time after the FDA works out the safety concerns for the thing to work and for Congress to come back at it.

Now, we were not able to get into some of the contractual issues that the Democrats wanted to, Mr. Speaker, because that overturns a profound, I guess, precedent of case laws that have to do with contractual law in America.

What we did was as close as we could get. Let me add, the Senate Democrats unanimously voted for these provisions because they know for people like Myrlene Free's sister in El Paso, Texas, who takes Zocor that she has to pay $97 for it in El Paso. She knows that, under this legislation, she can go to Juarez, Mexico, and buy that same American-made Zocor for $29; and it is the same dosage, the same amount, and everything.

This is going to help not just seniors but Americans, women with children, families. It is going to help everybody by putting much needed competition. The drug companies are totally against this. They have been running ads in my district against me because I think this is good legislation and I support it, and I urge my colleagues to pass this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise to oppose the rule.

Mr. Speaker, sometimes I wonder whether the Republican leadership in this Congress reports to the Congress or reports to the prescription drug industry.

The public is sending a clear message that they are sick of unjustifiably high and blatantly discriminatory prescription drug prices.

Democrats offer a proposal featuring an optional Medicare drug benefit. The Democrats offer a proposal to discount drug prices using the collective bargaining power of 39 million Medicare beneficiaries. The Democrats offer a strategy for undercutting international price discrimination with the ability to reimport prescription drugs.

Republicans refuse to even consider price discounts for seniors. They emasculate the reimportation proposal. Then they sunset this phoney bill before the provisions even have a chance to kick in.

A watered down drug reimportation bill is marginally better than no bill at all; But, Mr. Speaker, I do not want a single American to be fooled into thinking the Republican leadership has been responsive to the prescription drug crisis. The only constituency that they have been responsive to is the prescription drug industry.

Vote no on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, when we passed my amendment here in the House, I have to tell my colleagues it has nothing to do in any way, shape, or form with the language that is before the House today. When my amendment passed this House over the Agriculture appropriations bill, millions of dollars were spent in advertisements against that measure to see that it would not pass in the Senate.

I have not seen one advertisement in opposition to the Republican language here before us today, not one piece of advertisement for the pharmaceutical industry.

Does that not say it all? We try to work in a bipartisan fashion, but, unfortunately, the Republican leadership here killed that because it was too tough. Our compromise was too tough on the drug companies.

The GOP has offered their own plan and it is filled with loopholes. The plan is ineffective. It bans reimportation from a number of countries. It does not require drug companies to provide importers their FDA-approved labeling standards. It sunsets reimportation in 5 years. Who wants to invest in that type of a process?

The GOP has opposed drug coverage under Medicare. They have opposed price fairness legislation. And now they oppose real language that will reduce the cost of prescription drugs between 30 and 50 percent without costing the taxpayers one single cent.

The facts are that seniors in my congressional district pay twice as much for their prescription drugs as their counterparts in Canada and Mexico. And under the language before us under this rule, they will continue to do so even when this legislation is passed.

Just like their prescription drug bill, this legislation, this language is a scam.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT) the leader of the Democratic party.

Mr. GEPHARDT. Mr. Speaker, I rise today because once again this Congress has failed the American people and handed the special interests a victory. I am deeply disappointed with this reimportation provision in this bill.

There is now widespread agreement that this measure will do next to nothing for the American people.

A lobbyist for a major drug company told The New York Times that he doubted ''that anyone will realize a penny of savings from this legislation.''

Last month, Democrats and Republicans were working hard to craft effective importation legislation that contains strong safety standards. Reimportation was on its way to becoming a real achievement for the American consumer.

To be sure, reimportation was never a substitute for a Medicare prescription benefit that offered a guaranteed benefit and lower medicine prices for all seniors. But it was a step in the right direction, a rare example of what we as a Congress could do when we set aside our differences and come together to help the people of this country.

But a few days ago, just as we were about to move forward, the bipartisan dynamic ran into a brick wall, a brick wall of a leadership unbending to compromise, unwilling to detach itself from special interests to pursue a larger agenda.

Operating behind closed doors, after a bipartisan agreement had almost been reached, the Republican leadership torpedoed a sound reimportation measure that could have resulted in lower prices for millions of consumers.

Looking for political cover after repeatedly blocking a Medicare prescription benefit, the Republican leadership put out a sham reimportation measure that is not worth the government paper that it is printed on. Riddled with loopholes, this measure allows pharmaceutical companies to circumvent the new law and it sunsets in 5 years. So whatever benefits come from the bill the American people can be sure that they will disappear soon. And we are told that the people in the industry that would do this will not even set it up if there is a 5-year sunset provision.

The measure as it now stands is nothing more than a capitulation to the special interests at whose bidding the Republican leadership works.

Listen to what people are saying about the watered down measure. The New York Times today reported that ''doubts are growing about legislation to allow imports of low-priced prescription drugs, and no one in the government or the drug industry can say how it will work or even whether it will work.''

The health policy coordinator at the White House said this measure is now ''unworkable.''

What happened to the bipartisan, sensible measure that we should be voting on today? Why did the leadership torpedo that bill and replace it with a meaningless measure that does nothing for real people?

The answer lies in a leadership that is so tied to special interests that it blocks major initiatives at the expense of the American people.

Congress has wasted 2 years now trying to accomplish something meaningful for the American consumer. But this leadership has been more devoted to the powerful lobbies than to working families.

The leadership blocked campaign finance reform, a Patients' Bill of Rights, a Medicare prescription benefit, gun safety legislation, and a modest increase in the minimum wage as favors to HMOs, insurance companies, pharmaceutical companies, big business, and the NRA.

I and many of my colleagues will support this measure because it contains disaster relief and hunger relief for many in our country. But time is running out on this Congress. We have only a few days to do something meaningful for the American people.

Reimportation is dead. But I believe with all my heart there is time to do something with the people's agenda. We can still pass the bipartisan bills that majorities in Congress have already supported, that the President says he will sign, and that the American people want.

I urge the leadership to stop blocking America's agenda. Let us do what the American people sent us here to do and let us do it in a bipartisan way.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT) a tough negotiator and a tough advocate, but a friend.

Mr. NETHERCUTT. Mr. Speaker, I thank my dear friend, Mr. DIAZ-BALART for yielding me the time.

Mr. Speaker, too often in this place each of us in our respective positions on an issue seek perfection. We want it only our way. And I think this bill, this measure, this appropriations conference report is a picture of bipartisanship, of compromise, of not everybody getting everything they wanted in particular in the context of this bill.

But, overall, it is a good package. It provides prescription drug assistance. It provides tremendous agriculture research. It gives us a chance to lift sanctions on food and medicine for countries that we have previously sanctioned unilaterally for all these years.

Is it perfect? No, it is not perfect. I wish I had it a different way in some respects for my purposes, but that is not the nature of this legislative system. So I would say to my friends on the other side respectfully, certainly they did not get it all 100 percent the way they want, but it is a great step forward.

This rule should be adopted. Anyone who supported the position that I have taken on limiting sanctions on food and medicine, I urge them on both sides of the aisle to support this rule, support this conference report, and let us get this to the President and get it signed so we can move agriculture forward.

This bill has $100 million in food bank assistance. Try voting against that. That is not advisable. It has prescription drug assistance in it. It has in it agriculture research that will help our farmers compete in a world market.

I urge my colleagues to support this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. MOAKLEY. Mr. Speaker, I also yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I rise today in support of the 2001 conference report on the Agriculture appropriations bill that provide critically needed funding to meet both the short-term and long-term needs of the country's farming community, which is struggling valiantly to survive during this period of increasingly high production costs and persistently low commodity prices.

The bill includes $3.5 billion in new emergency relief that many deserving farmers must have to get through the hard times; funding for crucial research projects that are needed to ensure the future competitiveness and prosperity of U.S. farming; and a wide range of programs to promote land and water conservation, health and nutrition, and the economic well-being of our rural areas.

I fought for these programs, both as a member of the Committee on Agriculture and as a Representative in Congress of an area in Georgia that is deeply rooted in the farming tradition.

In many respects, this is a good bill. In the area of research, for example, it appropriates more than a million dollars for work at the Peanut Research Laboratory in Dawson, thanks to an agreement I secured on this floor with my colleague from Georgia who serves on the Agriculture Appropriations subcommittee; $300,000 for the University of Georgia's National Center of Peanut Competitiveness; $500,000 for addressing peanut food allergy risks; $250,000 for research in Tifton, Georgia, on crop yield losses caused by nematodes; and $78 million for boll weevil eradication projects, which can ensure a more secure future for our farmers and for our economy in general.

□ 1445

At the same time, Mr. Speaker, I remain concerned about the level of funding appropriated for emergency relief. The bill authorizes the Secretary of Agriculture to determine the crop loss threshold to qualify for emergency help. I have called on Secretary Glickman to set aside a threshold that is well below 35 percent. With sharply increased fuel costs, many farmers in

Georgia and in other areas of the country as well face a crisis even with crop losses that may fall below 35 percent.

One of the challenges confronting the Secretary under this bill is where to set the threshold and still have sufficient funds to provide meaningful levels of relief. I pray that will be enough. While the $3.5 billion is less than I advocated, I would add that this is substantially more than we had.

There are many positive features in this bill. I urge Members to support the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD), a friend with whom I have strong disagreement on this issue but he is a friend.

Mr. SANFORD. Mr. Speaker, the debate on the rule has become a debate on reimportation. Therefore, I will be supporting the rule. But the underlying bill I do have objection with both because of the level of cost but predominantly because of the Cuba deal. I think that this Cuba deal is fatally flawed in that it perpetuates basically the dark ages when it comes to Cuba. I know of no business after 40 years of failed policy that would say, ''Let's keep doing the same''; but that is fundamentally what this bill does, and in fact it does more than that.

It threatens democratic rule. I came to the House believing in one man, one vote. If you won it fair and square on the floor, that is the way it stood. We had a vote that would allow Americans to travel to Cuba that is reversed in this Cuba deal. It threatens the idea of engagement. The Republican Party has consistently stood for the idea of engaging with other people. This deal reverses that.

It threatens the power of ideas. I believe if my ideas beat your ideas, I should be able to stand there and debate that. This deal threatens that. Finally, it makes a mockery of the Constitution, which guarantees that all Americans should be allowed the right to travel.

For this reason, I have very strong objections to the Cuba deal that was worked out as a part of the ag bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the ranking member for yielding me this time.

I come from the State of Michigan, which borders Canada. We know the difference and we know the differentials in prices, and I think it is unfortunate that this conference report puts another sham before the seniors.

Seniors need relief, 39 million seniors and over 20 million Medicaid patients who use prescription drugs on a daily basis. Why can we not address their concern? This reimportation clause, many of my constituents who go to Canada, who get the drugs for anywhere from one-third to two-thirds less than they have to pay in America, why is that? Could we not have come in this bill, as good as the bill is and as poor as it is on the prescription question, done better for our seniors, over 50 million who use, seniors, prescriptions on an annual basis every day? I think it is unfortunate.

Vote against the rule. Let them go back and if we are going to have a reimportation clause, make it work for the over 50 million people who need a reduction in their prices for their medicines.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Mrs. EMERSON), a distinguished colleague, a tremendous negotiator and advocate.

Mrs. EMERSON. Mr. Speaker, I am going to address specifically the issue of drug reimportation. Let me say from the outset that I do not think that there is any colleague of mine who believes that reimportation is the only way that we bring lower-cost prescription medicine to our senior citizens. As a matter of fact, it is the first of two things that we must do in order to ensure that our seniors have access to lower-cost prices. This deals specifically with the price issue.

Let me say that I am kind of surprised to hear some of my colleagues from the other side use the pharmaceutical industry's own words and agree with them because it was my understanding, it has been my understanding, that most of us did not agree with them at least with regard to the issue of reimportation. And so let me just say that this is something that we have to allow to work.

I want to address specifically the issues that all of my colleagues on the other side raised, issues that we worked long and hard over for hundreds of hours, our staffs and us did, in a very bipartisan way. First of all, the issue of labeling specifically as the gentleman from California (Mr. WAXMAN), the gentleman from Vermont (Mr. SANDERS) and others mentioned it. I will say at the beginning, the Senate passed the Jeffords bill by a wide majority in the Senate. The President said, ''Send me the Jeffords language.'' The labeling language in the Jeffords bill is identical word for word to that which is in our bill today. The President says, ''I urge you to send me the Senate legislation with full funding to let wholesalers and pharmacists bring affordable prescription drugs to neighborhoods where our seniors live.''

In addition to that, let me add that we included language in our conference report that allowed the Secretary to promulgate regulations that would serve as a means to facilitate the importation of such products, so this would allow the Secretary to head off any labeling concerns that would prevent the importation of drugs. Even yesterday, the Supreme Court refused to hear a case that SmithKline Beecham was bringing against a generic drug maker on the whole issue of labeling, and the lower court, the Second Circuit Court's language holds on that and says that the Food and Drug Administration has the discretion to make labeling possible and necessary. So that is a nonissue.

I would like to then turn to the issue of contracts where my colleagues on the other side are saying that there is some sort of a loophole. Our language says that no manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection whatever. When you look at the language that the gentleman from California (Mr. WAXMAN) provided, which we did have, I admit, in the original bill, there is nothing in his language, either, that actually deals with the issue of price. So by limiting the language to the definition that we had in the Waxman language, quite frankly the industry could find other ways around that language, and so this then becomes, too, a nonissue. For anybody to say that the pharmaceutical companies wrote this language, they know as well as I do that that simply is not true, specifically when we are dealing with the issue of contracting and other things.

I also want to address the issue of sunsetting. All of the bipartisan, bicameral negotiators on this bill agreed to a 5-year sunset with the exception of one person. So to raise this as an issue to me is just simply demagoguery and it will not work. This bill will sunset 5 years after the regulations are put into place.

And so I would just simply urge my colleagues to vote yes on the rule, pass this bill, remembering this is only the first step in giving our senior citizens low-cost prescription drugs.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of this legislation, in support of my colleague that has worked across party lines to come up with something that, while not perfect, does move ahead and also is very important for Maine agriculture. These issues are important both for agricultural research and also to be able to help out the disasters in apples and dairy.

Friday's CONGRESSIONAL RECORD listed the Ag conference report. Here's what the reimportation language now contains:

Based on the Senate language;

Allows reimportation by individuals, pharmacists, and wholesalers;

Limited to reimportation from EU, Canada, Japan, Australia, Israel, New Zealand and South Africa. Expansion of list upon FDA approval;

Requires that the process maintains safety and saves consumers money;

Secretary of HHS must work with USTR and Patents and Trademarks;

Importers must give FDA documentation of batch testing;

Requirements stricter when not reimported by original receiver of goods first purchased from U.S.;

Testing in a qualified, FDA-approved laboratory;

Drugs that cannot be reimported: Schedule I, II, and III drugs and any that are supplied for free or donated;

Study by HHS will be conducted to evaluate compliance and effect of reimportation on patent rights;

Individuals can order drugs, but FDA may send notices if the drugs being reimported appear to be misbranded, is restricted for sale in this country, or otherwise is in violation of the law;

Appropriates up to $23 million for the enhanced FDA-authority/responsibility; and

Prohibits manufacturers from entering into a contract to prevent reimportation.

Points that opponents will use against this bill:

The provisions sunset in 5 years—the original compromise contained a 3 year sunset;

Labeling—products meet U.S. labeling requirements. Opponents point out that the U.S. manufacturers control the labels, and all they would have to do to stop reimportation is to not make the FDA-required labels available for those wanting to reimport;

Some countries left out of reimportation—including Mexico; and

HHS Secretary has to certify Americans will save money.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FARR), a member of the committee.

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

Mr. Speaker, I rise on the issue of drug reimportation. I am on the committee. I support the agricultural bill, I think it is a good bill, but I think there is a part of it that we have got to wake up. The question is, when is drug reimportation not an importation? I hope that the Members of this Congress and particularly the press will take a look at the small print in this bill, specifically, the technical amendments to the underlying bill. Take a look at page 41, for example. That bill is the one that talks about reimportation of drugs. On page 41 we see a subsection entitled F which says ''Country Limitation.'' If you go to the language, it reads, ''Drugs may be imported only, only from the countries that are listed in subparagraph A of section 802(b)(1).'' That is not in this bill, so you have got to go someplace else and look it up. Here is the sham.

If you turn to that section in existing law, one finds that it only lists those countries where American drug companies can send unapproved products. That is the title of that section, ''Unapproved Products.'' Here is the trap. American companies can send out but cannot reimport, because we do not allow unapproved products to come back into the United States. I hope the American press can do what the congressional staff has failed to do and that is to tell the truth about this section. The drug provisions are a sham. There is no reimportation. I ask for a no vote on the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I would just like to respond to what my dear friend from California said. Following the section that he read, there is then language that gives the Secretary very broad discretion in adding countries as she, or he in the future, whatever, may desire, subject to safety standards.

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

I urge my colleagues to oppose the previous question. If the previous question is defeated, I will offer an amendment to make in order the Democratic plan to allow access to the supply of lowest-cost medications that meet American safety standards.

I urge my colleagues to oppose the previous question and the rule.

Mr. Speaker, I include for the RECORD the text of the amendment that I would offer along with extraneous material, as follows:

PREVIOUS QUESTION AMENDMENT—CONFERENCE REPORT ON AGRICULTURE APPROPRIATIONS ACT, FY 2001

Strike out all after the resolving clause, and insert the following:

''That upon adoption of this resolution, the House shall be considered to have adopted House Concurrent Resolution 420.

SEC. 2. Upon receipt of a message from the Senate informing the House of the adoption of the concurrent resolution, it shall be in order to consider the conference report on the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a role resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendments.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2). Section 21.3 continues:

''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to support the rule and the underlying legislation. It is very important work. It is needed help for America's farmers. It is the product of many, many hours of hard work by multiple Members of this House. I thanked previously my colleagues; I thank them at this point. I do not have enough time to mention them again. It is very important that this legislation be passed.

With regard to the sanctions, it is a compromise. No one is 100 percent happy, but there is no financing for the dictatorship in Cuba, and there is no bartering and there is no financing, whether it is private or public. In addition to that, there is no expansion of

travel dollars for that thug fascist dictatorship.

I urge my colleagues to pass this rule and to pass the underlying legislation.

Mr. LARSON. Mr. Speaker, I rise today in opposition to the Prescription Drug Import plan contained in the Agriculture Appropriations bill for fiscal year 2001 and the rule providing for its consideration. While I applaud any effort to reduce the cost of prescription drugs for seniors. I can say with confidence and sincerity that the plan in this bill is not a solution to the problem. Due to the immense loopholes contained in the legislation and its watered-down content, it will not in any way affect the cost of prescription drugs for seniors in the United States. If the prescription drug import provisions in this legislation were an honest attempt to address this issue, it is possible that they would be effective in reducing the cost of prescription drugs for our citizens. However, they have been written in such a way as to allow the drug companies a way out of having to offer American seniors what they need: quality medications at reduced costs.

Since the provisions are contained in the larger agriculture appropriation bill, I must vote in favor of the overall bill. However, I wish to register my opposition on the content of the reimportation provisions. These provisions are a sham piece of legislation designed to allow drug companies to continue to make outrageous profits off of senior citizens in America. This is why money must be removed from the political process, because as long as drug company money floats freely into it—this is the kind of trickery that will continue to rule the day. The greatest generation of Americans; the same generation that persevered through the Second World War; the same generation that lived through the Great Depression, is now being sold down the river in exchange for advancing the interests of the pharmaceutical companies. This is a campaign year, smoke and mirrors tactic that nearly every credible source has dismissed as useless and not credible. This is a sad day for this Congress, but an even sadder day for the elderly people who thought they might get some relief this year.

I am sorry to say that this plan has been fashioned to appear as if it is part of the answer to the high cost of prescription medicines, but appearances to not solve problems, only legislation that is comprehensive and complete can effectively deal with the financial burden that rests on our seniors. In order to truly keep our promises to the American people, and reduce these costs, we must establish a prescription drug benefit under the Medicare program.

I urge my colleges to vote against the rule so that we can be allowed to offer a real solution to the problem of the high cost of prescription drugs instead of allowing the leadership to attempt to fool our seniors into thinking we are doing something for them.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 201, not voting 17, as follows:

[Roll No. 524]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
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)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
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
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—17

Burr
Campbell
Coble
Danner
Eshoo
Frank (MA)
Franks (NJ)
Klink
McCollum
McIntosh
Meehan
Miller (FL)
Myrick
Neal
Shuster
Spratt
Wise

□ 1516

Messrs. FORD, INSLEE, and OWENS changed their vote from ''yea'' to ''nay.''

Mr. KASICH and Mr. FRELINGHUYSEN changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. THOMPSON of California. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 1824.

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

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4461, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SKEEN. Mr. Speaker, pursuant to House Resolution 617, I call up the conference report to accompany the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 617, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, October 6, 2000 at page H9461.)

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

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

Mr. Speaker, I rise to bring before the House the conference report on the fiscal year 2001 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies.

Mr. Speaker, this bill has two main parts. The first titles, Title I through VII, comprises the regular fiscal year 2001 appropriations bill, which has a total budget authority of slightly less than $15.3 billion.

The second part, which is Title VIII, is the emergency title, and that totals just over $3.6 billion. The administration advised us that it would not submit a formal request for disaster assistance, so as we have done in the past, we worked informally with program managers at USDA and with House and Senate colleagues to address as many concerns as possible.

I believe that we have a good conference report that deserves the support of this body. We were able to make significant increases over the fiscal year 2000 level in research, food safety, domestic feeding, and conservation programs.

This bill also contains compromise language in two critical issues: prescription drug importation, and sanctions of agricultural exports. I believe the language that we are offering will make it easier for our senior citizens to have access to safer, less costly drugs, and make it easier for our farmers and ranchers to export their products to certain countries.

I would like to point out a few highlights of the conference report which I think are important to us all. In the two main research accounts, we have about $120 million over the current fiscal year level, in direct response to Members' concerns for critical research priorities.

APHIS regular programs have been increased by $38 million over fiscal year 2000, in response to many Members' concerns about invasive plants, pests, and diseases. There is additional money in the APHIS account to assist in the boll weevil program. The Agricultural Marketing Service has increased by $15 million, and GIPSA by $4.5 million.

Meat and poultry inspection has been increased by $47.5 million, which is actually higher than the official budget request. This represents our efforts to respond to problems that occurred after both bodies had passed their respective bills.

Our FSA loan programs are increased slightly over the current year, and we have met the administration's requests for salaries and expenses.

Conservation programs on the discretionary side are increased by about $70 million, which is just under the administration's request. On the mandatory side, there is an additional $35 million for technical assistance for the Wetlands Reserve and the Conservation Reserve programs. There is also $117 million to enroll an additional 100,000 acres in the Wetlands Reserve Program, since so many Members have requested us to lift the authorized enrollment cap.

In rural development, we have met the administration's request for the Rural Community Advancement Program, and in spite of sharply higher subsidy rates, we have increased housing and rural utility loan levels by half a billion dollars each.

In domestic food programs, WIC has been increased by $20 million, commodity assistance by $7 million, and elderly feeding by $10 million over fiscal year 2000.

In P.L. 480, I know there was a lot of concern about the low House number. I am happy to report that Title II is now $837 million, so all of the food aid programs are at the administration's request.

The Food and Drug Administration's salaries and expenses are increased by almost $31 million, and we will be able to go ahead with the badly needed new building in Los Angeles.

Finally, I think all of us hear on a near weekly basis from the land grant schools about the Initiative for Future Agriculture and Food Systems. In past years, we have had to put a limitation on this program to pay for other important accounts, but this conference report allows the Initiative as well as the Fund for Rural America to go forward in fiscal year 2001, using money saved from the 2000 budget.

Mr. Speaker, this is a bill that will generate benefits in every congressional district in the country. We are providing strong protection for the health and safety of our citizens, nutrition and feeding programs for the most vulnerable, and agricultural research which makes us the greatest producer of food and fiber the world has ever known, and funding for a strong and productive rural America.

Mr. Speaker, we have tried our best to put together a good, solid bipartisan bill which works for all America. Much of it is compromise, to be sure, but I believe it is good compromise and good policy.

In closing, I would like to thank all of my colleagues on the subcommittee for their help and hard work since we began this process earlier this year. In particular, I would like to thank the staff for all their hard work: Hank Moore, the subcommittee clerk; Martin Delgado; Joanne Orndorff; John Z.; Ann Dubey; Maureen Holohan; David Reich, of the staff of the gentleman from Wisconsin (Mr. OBEY); and Jim Richards, from my personal office. Without them, we would not have a bill here today.

Mr. Speaker, I urge all my colleagues to support this conference agreement.

Mr. Speaker, I include for the RECORD the following material related to H.R. 4461:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	15,435	2,914	2,836	27,914	2,914	-12,521
Executive Operations:						
Chief Economist	6,408	8,612	6,408	7,462	7,462	+1,054
National Appeals Division	11,707	12,610	11,718	12,421	12,421	+714
Office of Budget and Program Analysis	6,581	6,765	6,581	6,765	6,765	+184
Office of the Chief Information Officer	6,046	14,680	10,051	10,046	10,051	+4,005
Common computing environment	.....	75,000	25,000	.....	40,000	+40,000
Office of the Chief Financial Officer	4,783	6,465	4,783	5,171	5,171	+388
Total, Executive Operations	35,525	124,132	64,541	41,865	81,870	+46,345
Office of the Assistant Secretary for Administration	613	629	613	629	629	+16
Agriculture buildings and facilities and rental payments	140,343	182,747	150,343	182,747	182,747	+42,404
Payments to GSA	(115,542)	(125,542)	(125,542)	(125,542)	(125,542)	(+10,000)
Building operations and maintenance	(24,801)	(31,205)	(24,801)	(31,205)	(31,205)	(+6,404)
Repairs, renovations, and construction	.....	(26,000)	.....	(26,000)	(26,000)	(+26,000)
Hazardous materials management	15,700	30,073	15,700	15,700	15,700	.....
Departmental administration	34,708	40,740	34,708	36,840	36,010	+1,302
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	3,000	3,000	.....
Office of the Assistant Secretary for Congressional Relations	3,568	3,778	3,568	3,568	3,568	.....
Office of Communications	8,138	9,031	8,138	8,873	8,623	+485
Office of the Inspector General	65,097	70,214	65,097	66,867	68,867	+3,770
Office of the General Counsel	29,194	32,881	29,194	31,080	31,080	+1,886
Office of the Under Secretary for Research, Education and Economics	540	1,356	540	556	556	+16
Economic Research Service	65,363	55,424	66,419	67,038	67,038	+1,675
National Agricultural Statistics Service	99,333	100,615	100,851	100,615	100,772	+1,439
Census of Agriculture	(16,490)	(15,000)	(15,000)	(15,000)	(15,000)	(-1,490)
Agricultural Research Service	830,384	894,258	843,584	871,593	898,812	+68,428
Buildings and facilities	52,500	39,300	39,300	56,330	74,200	+21,700
Total, Agricultural Research Service	882,884	933,558	882,884	927,923	973,012	+90,128
Cooperative State Research, Education, and Extension Service:						
Research and education activities	481,881	460,865	481,551	494,044	506,193	+24,312
Native American Institutions Endowment Fund	(4,600)	(7,100)	(7,100)	(7,100)	(7,100)	(+2,500)
Extension activities	424,174	428,236	431,540	427,380	433,429	+9,255
Integrated activities	39,541	76,194	39,541	43,365	41,941	+2,400
Total, Cooperative State Research, Education, and Extension Service	945,596	965,295	952,632	964,789	981,563	+35,967
Office of the Under Secretary for Marketing and Regulatory Programs	618	635	618	635	635	+17
Animal and Plant Health Inspection Service:						
Salaries and expenses	437,768	512,444	469,985	458,149	530,564	+92,796
AQI user fees	(87,000)	(87,000)	(87,000)	(87,000)	(85,000)	(-2,000)
Buildings and facilities	5,200	5,200	5,200	9,870	9,870	+4,670
Total, Animal and Plant Health Inspection Service	442,968	517,644	475,185	468,019	540,434	+97,466
Agricultural Marketing Service:						
Marketing Services	51,497	66,572	56,326	64,696	65,335	+13,838
Standardization user fees	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	(60,730)	(60,730)	.....
Funds for strengthening markets, income, and supply (transfer from section 32)	12,428	13,438	13,438	13,438	13,438	+1,010
Payments to states and possessions	1,200	1,500	1,500	1,200	1,350	+150
Total, Agricultural Marketing Service	65,125	81,510	71,264	79,334	80,123	+14,998
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	26,433	33,549	27,801	27,269	31,420	+4,987
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	(42,557)	(42,557)	.....
Office of the Under Secretary for Food Safety	446	560	446	460	460	+14
Food Safety and Inspection Service	649,119	688,204	673,790	678,011	696,704	+47,585
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
Total, Food Safety and Inspection Service	649,119	688,204	673,790	678,011	696,704	+47,585
Total, Production, Processing, and Marketing	3,529,746	3,885,489	3,630,168	3,733,732	3,907,725	+377,979
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	589	572	589	589	+17

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	794,394	828,385	828,385	828,385	828,385	+33,991
(Transfer from export loans)	(589)	(589)	(589)	(589)	(589)	.....
(Transfer from P.L. 480)	(815)	(815)	(815)	(815)	(815)	.....
(Transfer from ACIF)	(209,861)	(265,315)	(265,315)	(265,315)	(265,315)	(+55,454)
Subtotal, Transfers from program accounts	(211,265)	(266,719)	(266,719)	(266,719)	(266,719)	(+55,454)
Total, salaries and expenses	(1,005,659)	(1,095,104)	(1,095,104)	(1,095,104)	(1,095,104)	(+89,445)
State mediation grants	3,000	4,000	3,000	3,000	3,000	.....
Dairy indemnity program	450	450	450	450	450	.....
Subtotal, Farm Service Agency	797,844	832,835	831,835	831,835	831,835	+33,991
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(128,049)	(128,000)	(128,000)	(128,000)	(128,000)	(-49)
Guaranteed	(431,373)	(1,000,000)	(1,000,000)	(431,373)	(870,000)	(+438,627)
Subtotal	(559,422)	(1,128,000)	(1,128,000)	(559,373)	(998,000)	(+438,578)
Farm operating loans:						
Direct	(500,000)	(700,000)	(700,000)	(500,000)	(525,000)	(+25,000)
Guaranteed unsubsidized	(1,697,842)	(2,000,000)	(2,000,000)	(1,697,842)	(1,077,839)	(-620,003)
Guaranteed subsidized	(200,000)	(477,868)	(477,868)	(200,000)	(369,902)	(+169,902)
Subtotal	(2,397,842)	(3,177,868)	(3,177,868)	(2,397,842)	(1,972,741)	(-425,101)
Indian tribe land acquisition loans	(1,028)	(2,006)	(2,006)	(1,028)	(2,006)	(+978)
Emergency disaster loans	(25,000)	(150,064)	(150,064)	(25,000)	(25,000)	.....
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Total, Loan authorizations	(3,083,292)	(4,557,938)	(4,557,938)	(3,083,243)	(3,097,747)	(+14,455)
Loan subsidies:						
Farm ownership loans:						
Direct	4,827	13,786	13,786	13,786	13,786	+8,959
Guaranteed	2,416	5,100	5,100	2,200	4,437	+2,021
Subtotal	7,243	18,886	18,886	15,986	18,223	+10,980
Farm operating loans:						
Direct	29,300	63,140	63,140	45,100	47,355	+18,055
Guaranteed unsubsidized	23,940	27,400	27,400	23,260	14,770	-9,170
Guaranteed subsidized	17,620	38,994	38,994	16,320	30,185	+12,565
Subtotal	70,860	129,534	129,534	84,680	92,310	+21,450
Indian tribe land acquisition	21	323	323	166	323	+302
Emergency disaster loans	3,882	36,811	36,811	6,133	6,133	+2,251
Total, Loan subsidies	82,006	185,554	185,554	106,965	116,989	+34,983
ACIF expenses:						
Salaries and expense (transfer to FSA)	209,861	265,315	265,315	265,315	265,315	+55,454
Administrative expenses	4,300	4,139	4,139	4,139	4,139	-161
Total, ACIF expenses	214,161	269,454	269,454	269,454	269,454	+55,293
Total, Agricultural Credit Insurance Fund	296,167	455,008	455,008	376,419	386,443	+90,276
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(3,083,243)	(3,097,747)	(+14,455)
Total, Farm Service Agency	1,094,011	1,287,843	1,286,843	1,208,254	1,218,278	+124,267
Risk Management Agency	63,983	67,700	67,700	65,597	65,597	+1,614
Total, Farm Assistance Programs	1,158,566	1,356,132	1,355,115	1,274,440	1,284,464	+125,898
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	710,857	1,727,671	1,727,671	1,727,671	1,727,671	+1,016,814
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	30,037,136	27,771,007	27,771,007	27,771,007	27,771,007	-2,266,129
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Corporations	30,747,993	29,498,678	29,498,678	29,498,678	29,498,678	-1,249,315

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Total, title I, Agricultural Programs	35,436,305	34,740,299	34,483,961	34,506,850	34,690,867	-745,438
(By transfer)	(211,265)	(266,719)	(266,719)	(266,719)	(266,719)	(+55,454)
(Loan authorization)	(3,083,292)	(4,557,938)	(4,557,938)	(3,083,243)	(3,097,747)	(+14,455)
(Limitation on administrative expenses)	(108,287)	(108,287)	(108,287)	(108,287)	(108,287)	.....
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	693	711	.....	711	711	+18
Natural Resources Conservation Service:						
Conservation operations	660,812	747,243	676,812	714,116	714,116	+53,304
Watershed surveys and planning	10,368	10,368	10,868	10,705	10,868	+500
Watershed and flood prevention operations	91,643	83,423	83,423	99,443	99,443	+7,800
Resource conservation and development	35,265	36,265	41,708	36,265	42,015	+6,750
Forestry incentives program	5,377	.....	.....	6,325	6,325	+948
Total, Natural Resources Conservation Service	803,465	877,299	812,811	866,854	872,767	+69,302
Total, title II, Conservation Programs	804,158	878,010	812,811	867,565	873,478	+69,320
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	588	605	588	605	605	+17
Rural Development:						
Rural community advancement program	693,637	762,542	775,837	759,284	762,542	+68,905
RD expenses:						
Salaries and expenses	.....	130,371	120,270	130,371	130,371	+130,371
(Transfer from RHIF)	.....	(409,233)	(375,879)	(409,233)	(409,233)	(+409,233)
(Transfer from RDLFP)	.....	(3,640)	(3,337)	(3,640)	(3,640)	(+3,640)
(Transfer from RETLP)	.....	(34,716)	(31,046)	(34,716)	(34,716)	(+34,716)
(Transfer from RTP)	.....	(3,000)	(3,000)	(3,000)	(3,000)	(+3,000)
Total, RD expenses	.....	(580,960)	(533,532)	(580,960)	(580,960)	(+580,960)
Total, Rural Development	693,637	892,913	896,107	889,655	892,913	+199,276
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,100,000)	(1,300,000)	(1,100,000)	(1,100,000)	(1,100,000)	.....
Unsubsidized guaranteed	(3,200,000)	(3,700,000)	(3,700,000)	(3,200,000)	(3,700,000)	(+500,000)
Housing repair (sec. 504)	(32,396)	(40,000)	(32,396)	(32,396)	(32,396)	.....
Farm labor (sec. 514)	(25,001)	.....	.....	.....	.....	(-25,001)
Rental housing (sec. 515)	(114,321)	(120,000)	(114,321)	(114,321)	(114,321)	.....
Multifamily housing guarantees (sec. 538)	(100,000)	(200,000)	(100,000)	(100,000)	(100,000)	.....
Site loans (sec. 524)	(5,152)	(5,000)	(5,000)	(5,152)	(5,152)	.....
Multifamily housing credit sales	(1,250)	(5,000)	(1,780)	(1,250)	(1,780)	(+530)
Single family housing credit sales	(6,253)	(10,000)	(15,000)	(6,253)	(10,000)	(+3,747)
Self-help housing land development fund	(5,000)	(5,009)	(5,000)	(5,000)	(5,000)	.....
Total, Loan authorizations	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Loan subsidies:						
Single family (sec. 502)	93,830	208,780	176,760	176,660	176,760	+82,930
Unsubsidized guaranteed	19,520	44,400	7,400	38,400	7,400	-12,120
Housing repair (sec. 504)	9,900	14,176	11,481	11,481	11,481	+1,581
Farm labor (sec. 514)	11,308	.....	.....	.....	.....	-11,308
Rental housing (sec. 515)	45,363	59,124	56,326	56,326	56,326	+10,963
Multifamily housing guarantees (sec. 538)	480	3,040	1,520	1,520	1,520	+1,040
Site loans (sec. 524)	4	.....	.....	.....	.....	-4
Multifamily housing credit sales	494	2,452	874	613	874	+380
Single family housing credit sales	380	.....	.....	.....	.....	-380
Self-help housing land development fund	281	279	279	279	279	-2
Total, Loan subsidies	181,560	332,251	254,640	285,279	254,640	+73,080
RHIF administrative expenses (transfer to RHS)	375,879	.....	.....	.....	.....	-375,879
RHIF administrative expenses (transfer to RD)	.....	409,233	375,879	409,233	409,233	+409,233
Rental assistance program:						
(Sec. 521)	634,100	674,100	650,000	674,100	674,100	+40,000
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	.....
Total, Rental assistance program	640,000	680,000	655,900	680,000	680,000	+40,000
Total, Rural Housing Insurance Fund	1,197,439	1,421,484	1,286,419	1,374,512	1,343,873	+146,434
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Mutual and self-help housing grants	28,000	40,000	28,000	34,000	34,000	+6,000
Rural housing assistance grants	45,000	39,000	39,000	44,000	44,000	-1,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Farm labor program account	.....	35,777	30,000	28,750	30,000	+30,000
Subtotal, grants and payments	73,000	114,777	97,000	106,750	108,000	+35,000
RHS expenses:						
Salaries and expenses	61,551	.....	.....	.....	.....	-61,551
(Transfer from RHIF)	(375,879)	.....	.....	.....	.....	(-375,879)
Total, RHS expenses	(437,430)	.....	.....	.....	.....	(-437,430)
Total, Rural Housing Service	1,331,990	1,536,261	1,383,419	1,481,262	1,451,873	+119,883
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(4,564,372)	(5,068,649)	(+479,276)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,256)	(64,495)	(38,256)	(38,256)	(38,256)	.....
Loan subsidy	16,615	32,834	19,476	19,476	19,476	+2,861
Administrative expenses (transfer to RBCS)	3,337	.....	.....	.....	.....	-3,337
Administrative expenses (transfer to RD)	.....	3,640	3,337	3,640	3,640	+3,640
Total, Rural Development Loan Fund	19,952	36,474	22,813	23,116	23,116	+3,164
Rural Economic Development Loans Program Account:						
(Loan authorization)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	.....
Direct subsidy	3,453	3,911	3,911	3,911	3,911	+458
Rural cooperative development grants	6,000	11,500	6,500	6,000	6,500	+500
National sheep industry improvement center revolving fund	.....	5,000	5,000	.....	.....	.....
RBCS expenses:						
Salaries and expenses	24,612	.....	.....	.....	.....	-24,612
(Transfer from RDLFP)	(3,337)	.....	.....	.....	.....	(-3,337)
Total, RBCS expenses	(27,949)	.....	.....	.....	.....	(-27,949)
Total, Rural Business-Cooperative Service	54,017	56,885	38,224	33,027	33,527	-20,490
(By transfer)	(3,337)	.....	.....	.....	.....	(-3,337)
(Loan authorization)	(53,256)	(79,495)	(53,256)	(53,256)	(53,256)	.....
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(121,500)	(50,000)	(50,000)	(121,500)	(121,500)	.....
Direct, Municipal rate	(295,000)	(300,000)	(295,000)	(295,000)	(295,000)	.....
Direct, FFB	(1,700,000)	(800,000)	(800,000)	(1,700,000)	(1,700,000)	.....
Direct, Treasury rate	.....	.....	.....	(500,000)	(500,000)	(+500,000)
Guaranteed	.....	(400,000)	(400,000)	.....	.....	.....
Subtotal	(2,116,500)	(1,550,000)	(1,545,000)	(2,616,500)	(2,616,500)	(+500,000)
Telecommunications:						
Direct, 5%	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	.....
Direct, Treasury rate	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Direct, FFB	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	.....
Subtotal	(495,000)	(495,000)	(495,000)	(495,000)	(495,000)	.....
Total, Loan authorizations	(2,611,500)	(2,045,000)	(2,040,000)	(3,111,500)	(3,111,500)	(+500,000)
Loan subsidies:						
Electric:						
Direct, 5%	1,095	4,980	4,980	12,101	12,101	+11,006
Direct, Municipal rate	10,827	20,850	20,480	20,503	20,503	+9,676
Direct, FFB	.....	.....	.....	.....	.....	.....
Direct, Treasury rate	.....	.....	.....	.....	.....	.....
Guaranteed	.....	40	40	.....	.....	.....
Subtotal	11,922	25,870	25,500	32,604	32,604	+20,682
Telecommunications:						
Direct, 5%	840	7,770	7,770	7,770	7,770	+6,930
Direct, Treasury rate	2,370	.....	.....	.....	.....	-2,370
Direct, FFB	.....	.....	.....	.....	.....	.....
Subtotal	3,210	7,770	7,770	7,770	7,770	+4,560
Total, Loan subsidies	15,132	33,640	33,270	40,374	40,374	+25,242

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
RETLP administrative expenses (transfer to RUS)	31,046	.....	.....	.....	.....	-31,046
RETLP administrative expenses (transfer to RD)	.....	34,716	31,046	34,716	34,716	+34,716
Total, Rural Electrification and Telecommunications Loans Program Account	46,178	68,356	64,316	75,090	75,090	+28,912
(Loan authorization)	(2,611,500)	(2,045,000)	(2,040,000)	(3,111,500)	(3,111,500)	(+500,000)
Rural Telephone Bank Program Account:						
(Loan authorization)	(175,000)	(175,000)	(175,000)	(175,000)	(175,000)	.....
Direct loan subsidy	3,290	2,590	2,590	2,590	2,590	-700
RTP administrative expenses (transfer to RUS)	3,000	.....	.....	.....	.....	-3,000
RTP administrative expenses (transfer to RD)	.....	3,000	3,000	3,000	3,000	+3,000
Total	6,290	5,590	5,590	5,590	5,590	-700
Distance learning and telemedicine program:						
(Loan authorization)	(200,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+200,000)
Direct loan subsidy	700	.....	.....	.....	.....	-700
Grants	20,000	27,000	19,500	27,000	27,000	+7,000
Total	20,700	27,000	19,500	27,000	27,000	+6,300
RUS expenses:						
Salaries and expenses	34,107	.....	.....	.....	.....	-34,107
(Transfer from RETLP)	(31,046)	.....	.....	.....	.....	(-31,046)
(Transfer from RTP)	(3,000)	.....	.....	.....	.....	(-3,000)
Total, RUS expenses	(68,153)	.....	.....	.....	.....	(-68,153)
Total, Rural Utilities Service	107,275	100,946	89,406	107,680	107,680	+405
(By transfer)	(34,046)	.....	.....	.....	.....	(-34,046)
(Loan authorization)	(2,986,500)	(2,620,000)	(2,615,000)	(3,686,500)	(3,686,500)	(+700,000)
Total, title III, Rural Economic and Community Development Programs	2,187,507	2,587,610	2,407,744	2,512,229	2,486,598	+299,091
(By transfer)	(413,262)	(450,589)	(413,262)	(450,589)	(450,589)	(+37,327)
(Loan authorization)	(7,629,129)	(8,084,504)	(7,741,753)	(8,304,128)	(8,808,405)	(+1,179,276)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	570	554	570	570	+16
Food and Nutrition Service:						
Child nutrition programs	4,611,829	4,570,465	4,407,460	4,407,460	4,407,460	-204,369
Transfer from section 32	4,935,199	4,967,574	5,127,579	5,127,579	5,127,579	+192,380
Discretionary spending	7,000	8,017	.....	6,500	6,500	-500
Total, Child nutrition programs	9,554,028	9,546,056	9,535,039	9,541,539	9,541,539	-12,489
Special supplemental nutrition program for women, infants, and children (WIC)	4,032,000	4,089,100	4,067,000	4,052,000	4,052,000	+20,000
Food stamp program:						
Expenses	19,605,751	19,730,993	19,730,993	19,720,293	18,613,293	-992,458
Reserve	100,000	1,000,000	100,000	100,000	100,000	.....
Nutrition assistance for Puerto Rico	1,268,000	1,301,000	1,301,000	1,301,000	1,301,000	+33,000
The emergency food assistance program	98,000	100,000	100,000	100,000	100,000	+2,000
Total, Food stamp program	21,071,751	22,131,993	21,231,993	21,221,293	20,114,293	-957,458
Commodity assistance program	133,300	158,300	138,300	140,300	140,300	+7,000
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	.....
Elderly feeding program	140,000	150,000	160,000	140,000	150,000	+10,000
Total, Food donations programs	141,081	151,081	161,081	141,081	151,081	+10,000
Food program administration	111,392	128,558	116,392	116,807	116,807	+5,415
Total, Food and Nutrition Service	35,043,552	36,205,088	35,249,805	35,213,020	34,116,020	-927,532
Total, title IV, Domestic Food Programs	35,044,106	36,205,658	35,250,359	35,213,590	34,116,590	-927,516

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Direct appropriation	109,186	113,587	109,186	113,424	115,424	+6,238
(Transfer from export loans)	(3,231)	(3,231)	(3,231)	(3,231)	(3,231)	.....
(Transfer from P.L. 480)	(1,035)	(1,035)	(1,035)	(1,035)	(1,035)	.....
Total, Program level	(113,452)	(117,853)	(113,452)	(117,690)	(119,690)	(+6,238)
Public Law 480 Program and Grant Accounts:						
Title I - Credit sales:						
Program level	(176,000)	(180,000)	(180,000)	(180,000)	(180,000)	(+4,000)
Direct loans	(145,298)	(159,678)	(159,678)	(159,678)	(159,678)	(+14,380)
Ocean freight differential	21,000	20,322	20,322	20,322	20,322	-678
Title II - Commodities for disposition abroad:						
Program level	(800,000)	(837,000)	(770,000)	(837,000)	(837,000)	(+37,000)
Appropriation	800,000	837,000	770,000	837,000	837,000	+37,000
Loan subsidies	119,813	114,186	114,186	114,186	114,186	-5,627
Salaries and expenses:						
General Sales Manager (transfer to FAS)	1,035	1,035	1,035	1,035	1,035	.....
Farm Service Agency (transfer to FSA)	815	815	815	815	815	.....
Subtotal	1,850	1,850	1,850	1,850	1,850	.....
Total, Public Law 480:						
Program level	(976,000)	(1,017,000)	(950,000)	(1,017,000)	(1,017,000)	(+41,000)
Appropriation	942,663	973,358	906,358	973,358	973,358	+30,695
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,231	3,231	3,231	3,231	3,231	.....
Farm Service Agency (transfer to FSA)	589	589	589	589	589	.....
Total, CCC Export Loans Program Account	3,820	3,820	3,820	3,820	3,820	.....
Total, title V, Foreign Assistance and Related Programs	1,055,669	1,090,765	1,019,364	1,090,602	1,092,602	+36,933
(By transfer)	(4,266)	(4,266)	(4,266)	(4,266)	(4,266)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,037,661	1,156,905	1,117,905	1,067,523	1,068,524	+30,863
Prescription drug user fee act	(145,434)	(149,273)	(149,273)	(149,273)	(149,273)	(+3,839)
Subtotal	(1,183,095)	(1,306,178)	(1,267,178)	(1,216,796)	(1,217,797)	(+34,702)
Rescission	.....	.....	-27,000	.....	.....	.....
Total, Salaries and expenses (net)	(1,183,095)	(1,306,178)	(1,240,178)	(1,216,796)	(1,217,797)	(+34,702)
Export and certification	(4,907)	(5,992)	(5,992)	(5,992)	(5,992)	(+1,085)
Limitation on payments to GSA	(99,954)	(104,954)	(104,954)	(104,954)	(104,954)	(+5,000)
Buildings and facilities	11,350	31,350	11,350	31,350	31,350	+20,000
Advance appropriations, FY 2002	.....	23,000	.....	.....	.....	.....
Total, Food and Drug Administration	1,049,011	1,211,255	1,102,255	1,098,873	1,099,874	+50,863
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	63,000	72,000	69,000	67,100	68,000	+5,000
Farm Credit Administration (limitation on administrative expenses)	(35,800)	.....	(36,800)	(36,800)	(36,800)	(+1,000)
Total, title VI, Related Agencies and Food and Drug Administration	1,112,011	1,283,255	1,171,255	1,165,973	1,167,874	+55,863
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,000	.....	4,000	.....	2,000	.....
Loss assistance for apples and potatoes (contingent emergency appropriations)	.....	.....	115,000	.....	.....	.....
Sec. 388 Fair Act - NH	250	.....	.....	.....	.....	-250
National Sheep Industry Improvement Center revolving fund	.....	.....	.....	.....	5,000	+5,000
FDA Drug reimportation (sec. 745)	.....	.....	.....	.....	23,000	+23,000
Total, title VII, General provisions	2,250	.....	119,000	.....	30,000	+27,750

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE VIII - FY 2000						
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Crop loss (contingent emergency appropriations)	1,200,000					-1,200,000
Market loss (contingent emergency appropriations)	5,520,351					-5,520,351
Specialty Crops:						
Peanuts (contingent emergency appropriations)	42,000					-42,000
Suspend sugar assessments (contingent emergency appropriations)	42,000					-42,000
Tobacco (contingent emergency appropriations)	326,601					-326,601
Subtotal, Specialty crops	410,601					-410,601
Oilseeds (contingent emergency appropriations)	467,974					-467,974
Livestock and dairy (contingent emergency appropriations)	320,614					-320,614
Upland cotton competitiveness (contingent emergency appropriations)	201,000					-201,000
Extend milk price supports (contingent emergency appropriations)	-102,000					+102,000
Crop insurance (contingent emergency appropriations)	400,000					-400,000
Crop insurance discount associated costs (contingent emergency appropriations)	250,000					-250,000
Water and waste loan forgiveness (contingent emergency appropriations)	2,000					-2,000
Trade sanctions reform and export enhancement						
Total, title VIII, FY 2000	8,670,540					-8,670,540
TITLE VIII - FY 2001						
NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Chief Information Officer:						
Common computing environment (contingent emergency appropriations)					19,500	+19,500
Departmental administration (contingent emergency appropriations)					200	+200
Farm Service Agency						
Salaries and expenses (contingent emergency appropriations)					50,000	+50,000
Emergency conservation program (contingent emergency appropriations)					80,000	+80,000
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)					13,000	+13,000
Natural Resources Conservation Service						
Watershed and flood prevention operations (contingent emergency appropriations)					110,000	+110,000
Rural Development						
Rural community advancement program (contingent emergency appropriations)					200,000	+200,000
Total, Department of Agriculture					472,700	+472,700
General Provisions						
Conservation technical assistance (contingent emergency appropriations)					35,000	+35,000
CCC Disease loss compensation (contingent emergency appropriations)					19,000	+19,000
Dairy assistance (contingent emergency appropriations)					473,000	+473,000
CCC Livestock assistance program (contingent emergency appropriations)					490,000	+490,000
WRP Additional acreage enrollments (contingent emergency appropriations)					117,000	+117,000
CCC Sheep loss assistance (contingent emergency appropriations)					2,400	+2,400
CCC Citrus canker compensation (contingent emergency appropriations)					58,000	+58,000
CCC Apple/potatoes market loss and quality (contingent emergency appropriations)					138,000	+138,000
CCC Honey assistance (contingent emergency appropriations)					20,000	+20,000
CCC Livestock indemnity program (contingent emergency appropriations)					10,000	+10,000
CCC Wool/mohair assistance (contingent emergency appropriations)					20,000	+20,000
CCC Crop loss disaster assistance (contingent emergency appropriations)					1,627,000	+1,627,000
CCC Cranberry assistance (contingent emergency appropriations)					20,000	+20,000
Shared appreciation loan arrangements (contingent emergency appropriations)					2,000	+2,000
SC grain dealer's guarantee fund (contingent emergency appropriations)					2,500	+2,500
Puerto Rico food stamp block grant					-5,000	-5,000
Hawaii sugar transportation cost assistance (contingent emergency appropriations)					7,200	+7,200
Business and industry grants (contingent emergency appropriations)					10,000	+10,000
Business and industry guaranteed loans (contingent emergency appropriations)					10,000	+10,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4461) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
CCC Tobacco quota compensation (contingent emergency appropriations).	.....	.....	.....	.....	3,000	+3,000
CCC Cooperative assistance (contingent emergency appropriations)	.....	.....	.....	.....	20,000	+20,000
CCC Burley tobacco (contingent emergency appropriations)	.....	.....	.....	.....	50,000	+50,000
CCC LDP delinquent borrower (contingent emergency appropriations)	.....	.....	.....	.....	5,000	+5,000
Food stamp excess shelter allowance (contingent emergency appropriations)	.....	.....	.....	.....	15,000	+15,000
Food stamp vehicle allowance (contingent emergency appropriations)	.....	.....	.....	.....	25,000	+25,000
Total, General Provisions	.....	.....	.....	.....	3,174,100	+3,174,100
Total, title VIII, FY 2001	.....	.....	.....	.....	3,646,800	+3,646,800
TITLE X - ANTI-DUMPING						
Anti-dumping	.....	.....	.....	.....	40,000	+40,000
Grand total:						
New budget (obligational) authority	84,312,546	76,785,597	75,264,494	75,356,809	78,144,809	-6,167,737
Appropriations	(75,642,006)	(76,762,597)	(75,176,494)	(75,356,809)	(74,493,009)	(-1,148,997)
Rescission	.....	.....	(-27,000)	.....	.....	.....
Emergency appropriations	.....	.....	.....	.....	(13,000)	(+13,000)
Contingent emergency appropriations	(8,670,540)	.....	(115,000)	.....	(3,638,800)	(-5,031,740)
Advance appropriations	.....	(23,000)	.....	.....	.....	.....
(By transfer)	(628,793)	(721,574)	(684,247)	(721,574)	(721,574)	(+92,781)
(Loan authorization)	(10,712,421)	(12,642,442)	(12,299,691)	(11,387,371)	(11,906,152)	(+1,193,731)
(Limitation on administrative expenses)	(144,087)	(108,287)	(145,087)	(145,087)	(145,087)	(+1,000)

1/ In addition to appropriation.

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

□ 1530

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

Mr. Speaker, I rise in support of this conference report as a significant improvement over the measure that originally moved through this body. Before I get into the details, let me just say that I particularly this afternoon rise with great respect and true admiration for the gentleman from New Mexico (Mr. SKEEN), our chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, who under current Republican caucus rules is serving his last year as a fair, caring and truly outstanding chairman.

I will say that I know that as a regular committee member, the gentleman will continue to be exemplary in his service, but I will miss him in his current position.

Mr. Speaker, I wish to express genuine support and thanks to our subcommittee staff, Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorff and our detailees Anne DuBey and Maureen Holohan, and also our minority staff, David Reich, and on my own staff, Roger Szemraj for doing such a tremendous job in sheperding this major legislation through the Congress.

I also want to say to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, he kept his word on both sides of the aisle, so that our conferees could meet and fully engage in debate as we did in every single line item of this bill. I say thanks to the gentleman from Wisconsin (Mr. OBEY), who is our ranking member on the full committee who participated in every single meeting. I actually do not know how he does it, so tirelessly, and I want to thank the people of Wisconsin for sending him here for service to the Nation.

I want to thank the Members on our side of the aisle, the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD). We thank them for yeoman's service in the construction of this very important measure.

Mr. Speaker, overall the conference report spends over $78.5 billion. A little over three-quarters of that is in what we call mandatory spending for programs, especially our food programs, breakfast programs, lunch programs, elderly feeding programs, surplus commodity programs, that are used from coast to coast. $28 billion dollars, nearly half of that, goes to the Commodity Credit Corporation for net realized losses as we move product around the world and here at home.

Mr. Speaker, another $1.7 billion goes for crop insurance. The base bill in addition to this has $15 billion in discretionary spending in important areas, such as new research for fuels of the future, the extension service to bring the latest in research right down to the farm and the ranch, conservation programs—so much a part of America's rich natural heritage and essential to sustainability of the future, food safety programs, rural housing and development, all of our feeding programs, international assistance and certainly the Food and Drug Administration.

In this bill, also, and this is of critical interest to those who tie their livelihoods to the rural countryside, we have more than $3.6 billion for disaster, farm assistance, and rural development programs.

I will say more about that in a moment, but we were also able to incorporate into this measure portions of the Hunger Relief Act. We know as welfare reform really kicks in in every State across this country, thousands of people go to work for minimum wage without health benefits.

In this bill, we have provided housing and vehicle allowances and the right to food for those workers and their children to help them transition to the marketplace off of welfare. We are very, very pleased to be able to do that on this particular committee.

Mr. Speaker, I also have to say, of course, we were not able to defeat the rule and bring a real prescription drug reimportation provision before the Congress. That is truly sad, and every one of us will have to account for that before the voters this fall. In addition to that, the sanctions language in this bill is absolutely unworkable; even the Cuban Government has said that the provisions may be worse than the status quo, and we really will not be able to sell product in Cuba because of the restrictions in this measure.

However, the needs of the country outweigh any one of those provisions, and we have to vote on the overall bill based on its merits.

I will quickly tick off key provisions of the bill: we do provide additional funds for market concentration investigation in our Grain Inspectors, Packers and Stockyards Administration; food safety, full funding in that program; additional funds for our Farm Service Agency operations, including extra funds to administer the disaster program so essential across this country this year; for our conservation programs, a decent level of support; research, which is key to the future; in APHIS, while the Animal Plant Health and Inspection Service, it has been funded in a manner that dedicates an inordinate amount of funds to the boll weevil program. We have so many other invasive species such as Asian longhorn beetle and others where we do not have equal levels of support. That is unfortunate. We were not able to work out fair apportionment of these funds completely.

In rural development, we do provide an increase over last year; in food donations, in the PL480 provisions and in title 2, an increase there to help move surplus product into the international market so as to help farm prices here at home; and then in the Food and Drug Administration, some additional assistance there, but certainly not what the agency was looking for.

I wanted to spend my final few minutes here talking about the emergency funding provisions in more detail, because this is so important across the country. For crop losses due to disasters, during the 2000 crop year, including those losses due to quality losses, we have funded what is necessary. We estimate across America that will require over $1.6 billion in funding.

There is funding in this bill for dairy producers to compensate for their low prices. There is livestock assistance. We had many questions on that from people representing ranching communities. Also there is targeted assistance for our apple and potato producers, cranberry producers, honey producers as well as wool and mohair. There is no reason just because you are not a row crop producer that you should not have some type of assistance if you are going to lose your operations.

There is authority in this bill to enroll an additional 100,000 acres in the Wetlands Reserve Program, and $35 million for the Natural Resource and Conservation Service for technical assistance in relation to that program, as well as the Conservation Reserve Program.

There is an additional $20 million in this program for cooperative development, for new co-ops to help farmers and ranchers reposition to meet the market in this very difficult period for them. Also there are additional funds for water and sewer across our country. We just cannot meet the entire need; the line of applicants is much longer than we are able to accommodate. We have done the very best we could in this bill.

Mr. Speaker, I would just ask the Members, in spite of the loopholes—and they are significant in the prescription drug provision and the sanctions portions of the bill—to vote for this bill. Overall the other provisions require our support.

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

Mr. SKEEN. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for her kind remarks.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I also want to commend the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, and join with the gentlewoman from Ohio (Ms. KAPTUR) in her

praise for the chairman's activity on this subcommittee.

He has been a great chairman and a great friend and has really worked hard to balance the interests and needs of all the Members. I rise in support of this conference report, because it may be that this subcommittee has produced maybe one of the most valuable appropriations bills that would come before the House of Representatives, because it meets the needs of human beings, their hunger needs, their food needs, and their medicine needs.

It all comes under the jurisdiction of this subcommittee. I especially appreciate that this is a further implementation of the Freedom to Farm Act that we passed back in 1996, which the President signed, and all of the Members of the House and Senate who cared deeply about agriculture have needed to have this next step taken in the area of lifting sanctions on food and medicine.

In that respect, I have been proud to work with the chairman and some of my colleagues on the subcommittee on both sides of the aisle, most importantly, the gentlewoman from Missouri (Mrs. EMERSON), certainly the gentleman from Arkansas (Mr. DICKEY), the gentleman from Iowa (Mr. LATHAM), the gentleman from New York (Mr. WALSH), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Texas (Mr. BONILLA), and on the other side of the aisle, the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from California (Mr. FARR), the gentleman from New York (Mr. HINCHEY), the gentleman from Michigan (Mr. OBEY), and the gentlewoman from Connecticut (Ms. DELAURO). We have all worked hard.

We do not have a product that satisfies each of us and all of us, but it is a great step forward as we lift sanctions on food and medicine and establish a new policy for our country as it relates to the imposition of sanctions unilaterally.

The President in the future, assuming he signs this bill, and I hope that he will, will have the Congress as a partner in decisions that are made about whether or not to impose sanctions on food and medicine unilaterally by our country.

Helping in this effort have been other Members of the House of Representatives on both sides of the aisle. The gentleman from South Dakota (Mr. THUNE) has been a great supporter; the gentleman from Kansas (Mr. MORAN); the gentleman from Washington (Mr. HASTINGS) has been a leader in this effort.

Mr. Speaker, I just want my colleagues to know that this is a new day for trade sanctions. It is a new day for agriculture and trade policy that says food and medicine should not be used as weapons of foreign policy. This is workable, notwithstanding the people who might say nay about it. This is going to work to benefit American agriculture. It is going to work for Iran, Libya, Sudan, North Korea, and Cuba.

I certainly respect my friends on the other side of this issue relating to Cuba, the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN). They are very patriotic, good Americans who care deeply about the current sanctions policy in our country.

I happen to disagree with their policy position; but they fervently believe in it, and I respect that. We have tried to craft a measure that would work for their needs and their particular positions and policy decisions and those of us who care about the free trade side of American agriculture. Mostly, I would say to my colleagues that I have had a great staff that has helped get through this process, Rob Neal and Jack Silzel, and as imperfect as the legislative process might be, this is a good package. I hope it passes this House.

Ms. KAPTUR. Mr. Speaker, I yield 2⅓ minutes to the gentleman from Texas (Mr. STENHOLM), the very distinguished ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. Kaptur) for yielding the time to me.

Mr. Speaker, I rise in support of the conference report. I want to begin by complimenting the work of the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking minority member, as well as the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking minority member. They have done a tremendous job. In addition to facing the obstacle of unrealistic budget restraints, they have once again had to struggle against a leadership that is bent on subverting the expressed will of this House.

It is my fond hope that some day soon we will have an honest conference on an agricultural bill with input from the administration and from this side of the aisle in a true bipartisan result, but not today.

As a direct result of the leadership's involvement, we have lost key opportunities to move our country forward in both its trade relations and with regard to the availability of affordable prescription drugs.

Mr. Speaker, the agriculture embargo on U.S. sales to Cuba has done little to change the behavior of this island nation. In fact, U.S. sanctions have given Cuba an excuse for the failed policies of a communist regime. With complete normalization of trade relations, Cuba could become a $1 billion market for U.S. agriculture producers within 5 years, making it our second largest market in Latin America after Mexico.

On July 20 of this year, the House by a vote of 301–116 overwhelmingly expressed its will to end our unilateral trade embargo, and yet the provision inserted by the House leadership includes a travel ban and restrictions on finance that will continue to undercut the ability of U.S. farmers and ranchers to take full advantage of Cuba's market potential.

The compromise in this bill gets us 5 percent of where we need to be. Mr. Speaker, I am also concerned about the implications of the provision included in the conference report regarding trade sanctions. While I am sympathetic to the goal of this provision, it should have been withheld until we had a thorough analysis of all of its trade effects and, particularly, its effect on agriculture.

Mr. Speaker, despite these inadequacies, this conference report includes many good and important provisions, including funding, conservation, research, rural development. It provides much-needed assistance to agriculture producers affected by natural disasters. It addresses the drinking water emergencies in rural areas brought about by drought, and it will enact portions of the Hunger Relief Act that will be crucial to ensuring that our neediest citizens are adequately nourished.

Mr. Speaker, I support the conference report; and I thank my friend, the gentlewoman from Ohio (Ms. KAPTUR), for yielding the time.

Mr. Speaker, I am pleased that this conference report includes two important provisions from the bipartisan Hunger Relief Act, of which I am a proud co-sponsor. One of these would increase and then index the cap on the excess shelter deduction. This arbitrary cap can result in families with children having money they spend on their rent, mortgage, and utilities being counted as if it was available to buy food. I hope that in reauthorization, we can eliminate this cap altogether so that families with children are treated in the same manner as elderly and disabled households are now.

The other provision would give states broad flexibility to increase or eliminate limits on the value of vehicles they may own and still receive food stamps. For many low-income families, having a dependable car is essential to their ability to find and keep employment. Denying food assistance to a household based on the value of a vehicle makes no sense: if the household sold the vehicle, it would become eligible for food stamps but then would have a much harder time becoming more self-sufficient. This provision allows states to adopt rules from any program that receives TANF or TANF maintenance of effort funds as long as that program provides benefits that could meet the definition of "assistance" in the TANF rules. This could include, for example, any child care program since child care can count as assistance under certain circumstances. States would not be required to determine whether any particular individual received assistance from the TANF- or MOE-funded program since that would impose administrative

burdens and whatever standards the state adopted would apply statewide. Where a household has more than one vehicle, a state electing the option would evaluate each under whichever rules would result in the lower attribution of resources, whether the regular food stamp rules or the rules borrowed from the other state program. Of course, if the state TANF- or MOE-funded program excluded cars completely, or did not apply resources rules, those rules would prevail.

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

□ 1545

Mr. WALSH. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, for the excellent work that he did in working through these very difficult issues.

It has been said that politics is the art of the possible. What we accomplished on this bill, especially as it relates to our trade policies, is exactly what is possible, no more, no less. But what we have done, Mr. Speaker, is we made a historic change in our foreign policy.

Hopefully never again will the United States use food and drug as a weapon. Our farmers need all the markets that they can get. We should never be putting ourselves in a position where we are cutting off markets, because American farmers are the best in the world, the most productive in the world, and we need to help them to get to the markets.

The issue of reimportation of drugs, there has been an awful lot of demagoguery about this on the other side. The fact of the matter is we address it. For the first time, it is being addressed. I suppose if we had not addressed it, we would have heard about that, too.

We have improved on the food stamps regulations for poor Americans. Welfare reform did more for this country and its people than maybe any other reform that has been passed in the last 25 years. More Americans are productive. Fewer kids are in poverty. More Americans are healthy because of that reform. But we had some minor changes to make in the Hunger Relief Act, that will help States to address the issues of moving people from welfare to work.

Disaster relief, disaster assistance for farmers, apple farmers, dairy farmers, crop farmers, I think the Congress did a good job in a bipartisan way of addressing disaster relief issues.

We have made major strides in improving the environment through the Agriculture bill, primarily in the CRP program and also in agriculture research. This is a broad bill, it is an expansive bill, it is an important bill, and we need not focus on the warts and the scabs within the overall legislation. We need to focus on what is good about this bill and the commitment that we have made to the American farmer.

Ms. KAPTUR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. BERMAN), a Member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Speaker, I regretfully have to rise in opposition to the conference report, with great respect to the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee, who I know have done their best to put together an attractive proposal. But I believe we pay too high a price in this legislation.

Several months ago, the House passed the Sanford amendment to the Treasury-Postal appropriations bill by a vote of 232 to 186, prohibiting the use of any funds to enforce the travel restrictions on Cuba, now we see, as the price paid to allow our farmers to export the codification of restrictions which work against the very goals that the proponents of those restrictions constantly proclaim they want.

The whole history of the downfall of tyranny comes from contact with people from democracies, with human rights crusaders, with people who want to establish people-to-people programs. Instead of allowing the flexibility to move ahead and advance these kinds of programs and other kinds of useful contacts, we codify a policy that, for 40 years, has failed to achieve its primary goal.

That is a terrible mistake. It is a violation of the civil liberties of the Americans and Americans right to travel. It undermines the very goal we seek in our Cuba policy. For the life of me, I would love to hear the explanation which prohibits export financing to Cuba but gives waiver authority and discretion to the executive branch when we talk about export financing of our exports to both Libya and to Iran.

Mr. Speaker, I would love to hear the gentleman from Washington or someone else defend that distinction.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I would like to speak in favor of this bill from several different standpoints: the standpoint of what the Nation is benefiting and how my State of Arkansas is benefiting.

First of all, we have the importation of drugs that is going to be a significant event in our Nation's battle against high drug prices. We have got in this bill a $3 million appropriation that will help in the construction for the National Center of Toxilogical Research in my district that will handle the imports and examinations. The FDA will be in charge of this, and they will handle the inspections on the drugs as well as inspections on all other imports. It is a very significant thing, and that bill is coming along and is going to be in place soon.

There is some education initiatives concerning timber. In our Forest Service areas, we have a serious problem of how to manage that. We will have a study of that in our University of Arkansas at Monticello.

We also have a seven-State program called Delta Teachers Academy that will have a learning center in the UAPB campus in Pine Bluff, Arkansas that will teach teachers how to teach. It will help them in doing that in the Delta.

We have net catfish initiatives. The National Aquaculture Research Center in Stuttgart, which is not in my district, but serves the Nation in studying catfish yields, improving yields, food quality, disease control and stress tolerance. We also have a specific appropriation for an Aquaculture/Fisheries Center at UAPB, again, in Pine Bluff, Arkansas that concerns itself with the control of the commorants as they are attacking the fish industry.

We have several different provisions also that will help catfish farmers in that the Secretary of Agriculture is prohibited from denying loans for catfish farmers in Arkansas for being in the floodplain.

All of these things plus others are the reasons why I am for this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), a member of the Agriculture authorizing committee.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, like many conference agreements, this one has a provision that I am pleased with, and it has provisions that are not in it that I am not pleased with.

Nonetheless, I intend to vote for the conference report because it has many national priorities and local priorities that are important to the Nation's constituents and my constituents.

Among the provisions that are in this agreement is funding for modular housing for elderly North Carolinans who are flood victims, funding for a critically needed drainage project in flood-ravaged Princeville, North Carolina, and funding for the innovative agrimedicine project designed to combat farm injuries and illness in East Carolina University.

I am pleased to say that this agreement also includes very important language to combat hunger. Important food stamp modifications are made on the shelter cap and to the automobile cap.

While the WIC program did not receive all the funding it should have or that was requested, nevertheless, $4.1 billion is vitally needed and certainly will be used in this highly successful program.

This agreement includes significant funding for the emergency disaster relief for farmers, for crop losses, restoration projects. The agreement continues funding for agricultural research, education extension, service activity.

I am, however, disappointed that the agreement only includes $3 million of the $6.8 million approved by the House funding going for research to the Historically Black Colleges and Universities. Nonetheless, this agreement does offer some limited hope through this limited increase. Hopefully, we would do better the next time.

The overall agreement is comprehensive and does include important national priorities that deserve our support, and I urge its passage.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I rise in strong support of this agriculture appropriations bill. I think we all have to be reminded constantly that this is a bill that helps agriculture first and foremost.

But before I mention a couple of specifics, Mr. Speaker, I think for the record this Member at least has considered it a tremendous honor to work under the leadership of the gentleman from New Mexico (Chairman SKEEN) in this process. He is a person who sets the highest standard of integrity and brings to work every day the highest commitment. The character and the determination that he brings every day to work for the betterment of agriculture in America is something that I will always, always remember.

He is not going anywhere. But I think I speak for many of us on the subcommittee who just cherished the time that we have had working under his leadership on this subcommittee.

I want to specifically mention that this bill, again, does deal with a lot of important aspects of agriculture assistance and relief, drought, other natural disasters. Commodity prices over the years have dealt a bad hand to many of our producers in this country. There is a lot of assistance in this bill for that; $3.5 billion in economic assistance that does not need to be held up in Washington any longer.

I know that there are Members who do not like that certain commodities have received assistance in this bill as well. We have attempted to do the right thing and address all commodities that have suffered. We should not sit here and pick and choose who we help and who we do not based on whether or not we like what we grow or the farm programs that they operate under. They did not set the programs. Congress did. Now we must help all areas of rural communities survive in this very difficult time.

The bill also goes the extra mile to support farmers and ranchers. Agriculture credit programs are increased by $14 million over fiscal year 2000, and agriculture research has increased by $86 million. The boll weevil eradication program is funded at $79 million. These are just a few examples of how this bill will help our farmers and ranchers and all of us who have large rural agriculture communities.

The word ought to get out that there is a true commitment in a bipartisan way to help these folks who were really the salt of the Earth, the producers of this country who were trying to compete in international markets with other countries sometimes that subsidize their producers in unfair ways.

There is a tremendous commitment by many of us, again, in a bipartisan way to do what is right in this Agriculture appropriations bill. I stand in strong support and would urge all of my colleagues to do the same.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Michigan (Mr. DINGELL), the incredibly hard working ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank the gentlewoman from Ohio for her kindness, amongst many others, to me.

Mr. Speaker, an otherwise acceptable bill has been very much hurt in the conference report by the drug reimportation provisions. In a word, they protect users of reimported pharmaceuticals very poorly if at all. They put them at severe risk and hazard.

So I am going to tell my colleagues some of the things that are going to happen as a result of these provisions so poorly studied by the Congress and so ill attended to in committee.

Soon, Americans will be taking substandard, adulterated or counterfeited imported drugs because of these provisions. These provisions will do nothing to help lower the price of prescription medicines and are no substitute for prescription pharmaceuticals to senior citizens under Medicare.

Because FDA is already overwhelmed with inspecting foreign manufacturers, it will not be able to handle the vast new responsibilities being imposed upon it, and consumers will suffer and be at risk.

In the coming years, FDA is going to be pilloried by politicians for failing to protect Americans from bad prescription drugs which are reimported under these provisions, when in fact the blame should fall squarely upon the politicians in the 106th Congress.

Make no mistake. This reckless legislation never went through the committees with expertise or experience in these matters. It is going to lead to needless injuries and deaths.

The world pharmaceutical market is a dangerous place, far more so than my colleagues understand. Congressional investigations showed this in the 1980s, and I know because I conducted those investigations. They will show it now. My written statement will elaborate on this point.

My opposition to the drug reimportation provisions requires me to vote against an otherwise acceptable bill.

I would note the American people want a decent prescription, not a placebo, and they want one that is safe and one which will help their health. This particular proposal will not. It puts Americans at risk. I warn my colleagues what they are doing. I hope they will listen.

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

Mr. DINGELL. I am glad to yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding to me. I do want to associate myself with his remarks. This is far more complicated than most people believe, as the gentleman from Michigan said. I am very familiar with his historical involvement in this area.

All of us want to relieve this problem, but I want to underscore the comments the gentleman from Michigan made, and I do want to associate myself with his remarks.

Mr. DINGELL. Mr. Speaker, I thank the gentleman from California. I hope my colleagues will listen to what the gentleman just said because we are putting the Nation and the senior citizens and others at risk. Reimporting drugs is a dangerous and risky prospect. Doing so without adequate protections and controls for the protection of consumers is a still greater risk. I ask my colleagues to listen to what I say. There is danger here they are not observing.

Mr. Speaker, I must oppose this bill. Although there are many very good provisions addressing major agricultural needs, there is also a very dangerous provision that would allow for the reimportation of prescription drugs from foreign sources. That is something I cannot support.

During the 1980's, the House Energy and Commerce Committee conducted a lengthy investigation into the foreign drug market that ultimately led to enactment of the Prescription Drug Marketing Act (PDMA). That investigation discovered a potentially dangerous diversion market that prevented effective control over the true sources of drug products in a significant number of cases. The distribution system was vulnerable to the introduction and eventual retail sale of substandard, ineffective, or even counterfeit pharmaceuticals. As the resulting Committee report stated, "pharmaceuticals which have been mislabeled, misbranded, improperly stored or shipped, have exceeded their expiration dates, or are bald counterfeits are injected into the national distribution system for ultimate sale to consumers."

The PDMA was designed to restore needed integrity and control over the pharmaceutical market, eliminating actual and potential health and safety problems before injury to the consumer could occur. Again, the Committee report was clear on why the PDMA was needed:

[R]eimported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.

I find nothing today that suggests that the problem with misbranded, adulterated, or even counterfeit foreign drugs has been solved, and if anything, the problem may be getting worse. I am thus concerned that in our haste to find a way to bring cheaper drugs to seniors and other needy Americans—a clearly important and laudable goal—we risk making changes to key health and safety laws we may later regret.

On October 3, 2000, the Subcommittee on Oversight and Investigations held a hearing that underscored that the Food and Drug Administration (FDA) is already overwhelmed and underfunded, and thus unable to consistently undertake the many tasks now required to protect the U.S. drug supply. At that hearing, FDA Commissioner Jane Henney testified that FDA has insufficient post-market surveillance resources to keep pace with its current mandate. Consequently, the agency is lagging in conducting inspections of firms that ship drug products to the U.S., and this burden is only going to worsen in the future.

The legislation in question today only exacerbates this already-serious problem. As envisioned by this proposal, FDA will newly be responsible for inspecting the entire custody chain between all parties and processes involved in the shipment of drugs back to the U.S. market. This could include repackaging and relabeling facilities, as well as the many storage firms that might be used in this process. This proposal would also ultimately require FDA to oversee the formation of new testing facilities, and develop regulations to address numerous safety concerns ignored by this proposal. In short, the reimport legislation will inundate an already overburdened FDA with new responsibilities. Worse, it will do so without any assurances that the agency will ever see the approximately $92 million it claims it needs to fully implement this plan. Instead, the bill only gives $23 million for a single year, or one-fourth of what the plan will ultimately require. Given the fact that the agency is already significantly underfunded, I see almost no chance it will see this money.

But even if Congress were to provide the additional resources, I remain skeptical that FDA could even construct a global regulatory framework as safe as what is now in place. FDA was unsuccessful in preventing counterfeit and substandard drugs from entering the U.S. before the Prescription Drug Marketing Act (PDMA) went into effect, and so I doubt it will be successful once many of its protections are undermined by this legislation.

Moreover, it is particularly troubling that drug prices may not even be significantly lowered as a result of this proposal. There is nothing that guarantees that in this process of undermining our current regulatory system, lower priced drugs will become available to needy Americans. Wholesalers may not pass on any accrued savings to the public, nor is it clear that they will necessarily be able to access a steady supply for resale. In fact, this bill is riddled with numerous loopholes that will allow manufacturers to label or produce their products in a form that makes them either impossible or cost-prohibitive to reimport. The notion that this bill will create an abundance of cheap, properly labeled, and properly repackaged drugs, easily available to reimporters, is simply false.

Finally, Mr. Speaker, this bill makes long-term changes to the Food, Drug and Cosmetic Act, without the benefit of even a single legislative hearing. During the 1980's, the Energy and Commerce Committee conducted a lengthy multi-year investigation resulting in numerous hearings before any related legislation was drafted. There have been no public hearings regarding this legislation, as most of this process has involved closed-door proceedings. With the many implications this legislation will have on public health and safety, this process has ill-served the public and is indefensible.

In conclusion, this provision represents the flawed implementation of a risky concept. Many of the Members supporting this legislation believe they are doing the right thing by helping Americans get access to cheaper medicine, and assume that medicine will, in fact, be safe. I agree that medicine needs to be cheaper, but disagree that reimported medicine will be as safe. We know too much about the kinds of drug manufacturing and distribution shenanigans that take place in other parts of the world to allow our system to be jeopardized by the legislation contained in this spending bill. It is flawed legislation that will, if passed in its present form, result in significant harm to the very persons we are trying to help. Thus, I cannot support this bill.

□ 1600

Mr. SKEEN. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. First of all, Mr. Speaker, I just want to publicly say how much I appreciate the great work of our chairman. This will be his last bill as chairman of the subcommittee. It has been just an absolute pleasure and an honor to work with the gentleman from New Mexico (Mr. SKEEN).

I know the gentleman is staying here next year and everything; but because of the rules, he will no longer be chairman of this subcommittee; and I just want to tell him on a personal level how much I appreciate all his hard work and what a great job he has done for New Mexico and for the rest of the country.

And to the ranking member, Mr. Speaker, the gentlewoman from Ohio (Ms. KAPTUR), it is a real pleasure and it is fun to work with her with the interest we all have in agriculture.

Mr. Speaker, this, I think, is an excellent appropriations bill. We have been through a very long process throughout the entire year with hearings, listening to the concerns of the people and the agencies, their proposals, expressing concerns at the way management in some of the agencies has taken place and trying to do the best job possible in this bill to address those concerns. The one major concern we have, as far as delivering services in Iowa, and I think throughout the country, is with the FSA offices. This bill increases funding for those people who are at the ground level doing the work out there, actually in contact with the farmers themselves; and these people are working their hearts out in the countryside.

There is increased funding in the bill to the tune of $34 million in addition to the $50 million additional to take care of the emergency disaster programs that are also stated in this bill. Mr. Speaker, there is an increase as far as our credit programs so that we can continue to use that tool for exports and to make sure that we do try and have opportunities for our farmers to sell their products overseas.

Conservation is a huge issue as far as we are concerned in Iowa and throughout the country, and those activities are increased by $53 million in the bill. Food safety is increased by $47.5 million. Funding for the Food and Drug Administration is almost $35 million more than what it was last year, and $89 million basically, with some savings with the President.

We are continuing our commitment as far as food and nutrition for our people here, increasing funding for WIC. A very, very important issue for Iowa is the lifting of sanctions in the bill with Cuba, Iran, Libya, North Korea, and the Sudan. With the Cuban issue, it is a major breakthrough for us to finally have that door at least cracked open so that we have an opportunity to sell into that market, and to also look to these other new markets that we have and be able to use credit here in the U.S. to go into highly populated countries, like North Korea, Iran, and these other countries that offer so much potential for us.

I am not totally comfortable with all the provisions in here. I would like to see opening of travel and things like that, but we at least have a breakthrough as far as this issue is concerned. I think we can advance the idea that through openness, through trade, we can change countries and have them come into the democracy, which we all very, very much want.

Again, I congratulate the chairman and the ranking member.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to the remaining time on both sides.

The SPEAKER pro tempore (Mr. NUSSLE). The gentlewoman from Ohio (Ms. KAPTUR) has 13 minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 10 minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), the very able member of the Committee on International Relations.

Ms. LEE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today in strong opposition to H.R. 4461 in its current form, but in strong support of ending the embargo on the sale of food and medicine to Cuba. Our current policy toward Cuba was created in the early 1960s, at the height of the Cold War. The Berlin Wall has now crumbled, the Soviet Union has vanished, but this archaic policy is still here.

For 40 years, 40 years, we have maintained a blockade on trade and food and medicine with Cuba, and we have put severe restrictions on travel by American citizens. We must lift that blockade without imposing new barriers. However, this bill codifies current restrictions on Americans travel to Cuba. What, I must ask, is our country afraid of? How can it be against our interests for our citizens, our most effective ambassadors, to travel to Cuba?

How can we live in the greatest democracy in the world and restrict the travel of our own citizens? Americans should have the right to see Cuba for themselves. They should have the right to form their own judgments about this Afro-Hispanic island 90 miles away from our shores.

I have led and participated in many delegations to Cuba in an effort to promote education, understanding and cultural exchange between our countries. I have seen a child with kidney disease in grave danger because the embargo prevented the importation of a U.S.-made part for a dialysis machine at this hospital. And I have seen Cuba's health care system, which guarantees its own citizens universal health care, which we still cannot figure out how to do.

We should allow anyone and everyone who wants to travel to Cuba to do so without fear of breaking the law and going to jail. I urge my colleagues to oppose restrictions on travel to Cuba in this bill and vote ''no'' on H.R. 4461.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, first of all, I want to say that I rise in support of this legislation, and I want to thank the gentleman from New Mexico (Mr. SKEEN) for the tremendous leadership he has given all of us over the last several years, fighting hard for our producers, helping us deliver emergency and disaster aid. I do not know anyone who has worked as forthrightly and on a consensus basis as the gentleman from New Mexico has, and I want to thank him. We will miss him tremendously as our leader next year, but I do thank him.

I also want to thank the gentlewoman from Ohio (Ms. KAPTUR) for the excellent work she does and for her dedication to supporting American agriculture as well.

I want to say that this is a great bill. I wish in a couple of instances we could have done more, particularly on the issue of agriculture embargoes, which the gentleman from Washington (Mr. NETHERCUTT) has championed so well. But even though it does not go quite as far with regard to Cuba, let us not forget that we are also dealing with four other countries against whom we have had sanctions on food and medicine, and this represents a $6 billion market potential for our producers.

We are all so caught up in the emotion of Cuba that we forget, quite frankly, that it is the other countries that present the biggest opportunity for our producers, and I did not want to let that go without mentioning it.

I also am very pleased that we have included in the emergency assistance package a piece that is very similar to the stand-alone legislation that the gentleman from Arkansas (Mr. BERRY) and I introduced, doubling the loan deficiency payment, particularly when our farmers and ranchers are in such dire straits for the third year in a row.

But let me end by addressing the entire issue of reimportation once again, and say that all of the loopholes that have been recognized on the part of my colleagues on the other side are loopholes that really will not exist if in fact we are determined to work closely with the Food and Drug Administration to make this legislation work.

Number one, dealing with the issue of labeling. Let me reiterate again that the President said he liked the language in the Jeffords bill that passed the Senate. This is the exact language on labeling which is in the Jeffords bill. The President urged the Senate to send him the legislation so he could sign it, as long as the appropriate money was there to implement it. We have, in fact, included $23 million that the FDA requested for this year to do just that.

On the issue of contracts. Let me say once again that while we have not included the exact language that the gentleman from California (Mr. WAXMAN) wanted, we have in fact included language that does prevent a manufacturer from limiting or entering into any kind of contractor or agreement that prevents the sale or distribution of covered products for reimportation purposes.

So all in all I think this is an excellent bill and I urge a ''yes'' vote, and I again thank the chairman for the great job that he has done.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume in order to place in the RECORD language from the New York Times this morning refuting what my very dear colleague, the gentlewoman from Missouri (Mrs. EMERSON), has indicated.

It says Dr. Jane Henney, the Commissioner of Food and Drug, said, ''Nothing in the bill requires a manufacturer to give the approved label to an importer or to allow use of the label by an importer, which means that it is not enforceable.''

And then today we receive from the Office of the President, the Office of Management and Budget, the following. And I enter the direct language in the RECORD because in the future we will have to repair the damage that is going to be done when this bill is passed today. It says, ''The administration is disappointed that the prescription drug reimportation provision in this bill will fail to achieve its goal of providing needed relief from the high costs of prescription drugs. The majority leadership chose to end bipartisan negotiations and, instead, produced a provision in the conference report that leaves numerous loopholes that will render this provision meaningless. Specifically, it allows drug manufacturers to deny importers access to FDA-approved labeling required for reimportation so that any and all drug companies could, and probably would, block reimportation of their medications. Second, a sunset was added that ends the importation system 5 years after it goes into effect. This will limit private and public sector interest in investing in this system.''

And I would just depart from that to say to my colleague that sunset was not in the Jeffords bill, as the gentlewoman indicated earlier today.

And, finally, third, this letter says, ''The conference language permits the drug industry to use contracts or agreements to provide financial disincentives for foreign distributors to reimport to U.S. importers. It is wrong that U.S. citizens pay the highest prices in the world for medications, leaving many with no option than to go abroad to obtain affordable prescription drugs. But it is also wrong to provide false hope that this provision will work to address the problem. Moreover, Congress has thus far failed to pass a meaningful Medicare prescription drug benefit that will not only provide price discounts but will ensure seniors and people with disabilities against the catastrophic costs of medications.''

That is a direct quote from the Executive Office of the President. And, Mr. Speaker, the full content of the statement is as follows:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4461—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL FY 2001

(Sponsors: Skeen (R), New Mexico; Cochran (R), Mississippi)

This Statement of Administration Policy provides the Administration's views on the conference version of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2001.

The conference report includes support for a number of important priorities for the Nation. In particular, the bill includes full

funding for the President's Food Safety Initiative, significant increases in rural development programs to help rural communities and residents take part in the national economic expansion, provisions that will enable food stamp recipients to own dependable cars and have better shelter without losing their eligibility, and relief to farmers and ranchers who suffered losses from natural disasters. While the Administration continues to support a range of conservation efforts, such as the Farmland Protection Wetlands Reserve, and Environmental Quality Incentives Programs, and is disappointed that this bill did not provide full funding for these efforts, we do appreciate the increases that were provided including funds for conservation technical assistance. However, while the Administration supports this conference report, it has concerns with several provisions in the bill.

The Administration is disappointed that the prescription drug reimportation provision in this bill will fail to achieve its goal of providing needed relief from the high costs of prescription drugs. The majority leadership chose to end bipartisan negotiations and instead produced a provision in the conference report that leaves numerous loopholes that will render this provision meaningless. Specifically, it allows drug manufacturers to deny importers access to the Food and Drug Administration (FDA)-approved labeling required for reimportation so that any and all drug companies could—and probably would—block reimportation of their medications. Second, a ''sunset'' was added that ends the importation system five years after it goes into effect. This will limit private and public sector interest in investing in this system. Third, the conference language permits the drug industry to use contracts or agreements to provide financial disincentives for foreign distributors to reimport to U.S. importers. Finally, despite the Administration's repeated requests, the conference requires FDA to pay for the costs associated with this provision from within resources needed to perform its other important public health activities. It is wrong that U.S. citizens pay the highest prices in the world for medications, leaving many with no other option than to go abroad to obtain affordable prescription drugs. But it is also wrong to provide false hope that this provision will work to address this problem. Moreover, Congress has thus far failed to pass a meaningful Medicare prescription drug benefit that will not only provide price discounts but will insure seniors and people with disabilities against the catastrophic costs of medications.

On the ''Trade Sanctions Reform and Export Enhancement Act of 2000,'' which is included in the conference report, there are two major concerns to the Administration. First, the restrictions on the ability of the President to initiate new sanctions and maintain old ones are overly stringent. This effectively disarms the President's ability to conduct foreign policy while providing potential targets of U.S. actions with the time to take countermeasures. Second, the provisions of the bill affecting travel to Cuba would significantly set back our people-to-people exchanges that are in the interest of opening up Cuban society. They also would preclude travel by technicians and others needed to conduct normal business by the U.S. Interests Section in Havana, as well as travel for humanitarian purposes.

With respect to the provision, ''Continued Dumping and Subsidy Offset Act of 2000,'' the Administration agrees with the findings that state that unfair trade laws have as their purpose the restoration of conditions of fair trade. However, that is the purpose of the anti-dumping and counter-vailing duties themselves, which accomplish that purpose. By raising the price of imports they shield domestic producers from import competition and allow domestic manufacturers to raise prices, increase production, and improve revenues. Consequently, distribution of the tariffs themselves to producers is not necessary to the restoration of conditions of fair trade. In addition, there are significant concerns regarding administrative feasibility and consistency with our trade policy objectives, including the potential for trading partners to adopt similar mechanisms. Such concerns were raised and examined with regard to a similar proposal considered during passage of the Uruguay Round Agreements Act. That proposal was ultimately rejected.

In addition, the Administration believes the provision removing the authority of USDA's Undersecretary for Natural Resources and the Environment has no justification, will interfere with the agency's ability to manage itself effectively, and sets a highly undesirable precedent.

The Administration is also disappointed that the bill prohibits the Secretary of Agriculture from designating any part of a USDA research lab in Ft. Reno, Oklahoma, as surplus land, thereby preventing any consideration of returning land to the Cheyenne-Arapaho tribe. The Secretary should retain his authority to effectively manage USDA property and consider its alternative uses.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), the ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services, who is so very passionate and committed and intelligent.

Ms. WATERS. Mr. Speaker, I rise to oppose this conference report because it includes language that is against the will of this body.

Mr. Speaker, there is a United States embargo against Cuba. The blockade serves no real purpose but to satisfy the Florida anti-Fidel Castro Cubans who wish to direct the will of this House.

The people of Cuba need food and medicine. The children are in desperate need of these supplies that we could easily sell to Cuba.

□ 1615

The United States Chamber of Commerce has been to Cuba, the Farm Bureau has been to Cuba, and many members of the agriculture caucus of this body have been down to Cuba, and they are all desirous of lifting this embargo, at least to be able to sell food and medicine.

However, some Members of this House are captives of those Cubans in Florida who have not only tried everything that they can to keep this embargo intact but they have also influenced certain Members of this body to get involved with placing further travel restrictions in this bill.

We have done very well with travel to Cuba. Many Americans go there. We have academic exchange. We have cultural exchange. And it is working very well.

If people are desirous of seeing Cuba, the Cuba that they think it should be, it is only because there is people-to-people contact. But having codified these travel restrictions, we have now placed this in jeopardy.

Well, this meager, little attempt to sell to Cuba without having any financial infrastructure to do so, no credit from the United States financial institutions or government, is not going to work. We are undermining the very efforts of those who would like to sell agricultural products and food and medicine to Cuba.

I would ask for a no vote. This is a wrong-headed policy.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I want to address the issue that the gentlewoman from Ohio (Ms. KAPTUR) spoke about and say I brought this up earlier.

Yesterday the Supreme Court refused to grant certiorari to Smith Kline Beecham on an appeal because they were concerned that FDA was allowing a generic drug company to copy their labels. The Supreme Court would not take the issue.

Basically, I will read the judge's ruling. It says, ''We hold that Hatch–Waxman amendments to the existing Food, Drug and Cosmetic Act require generic drug sellers to use labeling that may infringe the copyright in the label of the pioneer drug. We further hold that, as a result, copyright liability cannot attach to Watson's use of Smith Kline's label.''

Therefore, allowing the copying of the label. And in the language that we have in the legislation, there is broad enough language giving the Secretary and the FDA the discretion to require this.

Mr. GUTKNECHT. Mr. Speaker, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I have been listening to some of this debate today about importation and reimportation. I would like to talk for a minute about how I got involved in this debate. It was because our own Food and Drug Administration has been and even to this day is sending out threatening letters to senior citizens who try to save a few bucks on prescription drugs. That is how I got into this debate.

Now, some people are saying, well, it does not go far enough; and some people are saying it goes too far. I am reminded of what Winston Churchill said the day after the invasion at Normandy. He said, ''This is not the end. This is not even the beginning of the end. This is simply the end of the beginning.''

This debate on opening up the market and creating more competition for prescription drugs is not over. This is the beginning.

But, at least, for the first time in 8 years, the Congress is sending a clear message that the threatening letters to seniors for trying to save a few bucks on prescription drugs is going to end. And if it does not end, by the grace of the voters in my district, I will be back and I will be working with people from all sides of the aisle.

I do not like some of the restrictions that were put on in the conference committee. But I know this, we have made more progress in the last 3 weeks on this issue than this administration has made in 8 years. And I think it is good progress, and I think we are going to see prescription drug prices coming down.

Let me just show my colleagues this chart again. Look at what people pay in the United States compared to the rest of the world.

Why are we sending threatening letters to seniors?

This bill may not be perfect, but it is a giant step in the right direction. I congratulate the gentlewoman from Missouri and those of my colleagues who had the courage to stand by and fight for this issue because I think, in the years to come, we are going to see prescription drug prices in the United States come down dramatically.

I would hope we will do this on a bipartisan basis. I do not think saving money for seniors is a partisan issue.

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

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

First of all, let me just say there is a lot of good things in this bill for agriculture. I commend the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their hard work in the committee.

Second of all, I would like to say that the reimportation issue that we have worked on is not a long-term solution to the problem but it certainly moves forward. It is not perfect but it certainly is going to enhance the ability of Americans and Maineards to be accessing low-cost, affordable prescription medicine.

Now, maybe there is a better way to do it. Maybe there is an easier way to do it. And that probably is by being able to amend Medicare to be able to have this part of the program universally offered. But that is not the issue we have before us. Our seniors need relief.

I want to commend the gentlewoman for working together on this issue, recognizing that there have been differences and it is not a perfect piece of legislation. But I do think it is going to go a long way. We have 325,000 seniors in Maine that do not have access to low-cost, affordable prescription medicine or insurance. This will afford the State an opportunity to negotiate to be able to have access to this pricing so we can do better for its seniors, and that is something that we should be supporting.

Ms. KAPTUR. Mr. Speaker, I yield myself 15 seconds only to say that the reason, I say to the gentleman from Minnesota (Mr. GUTKNECHT) that we do not have prescription drug legislation is because this Congress did not pass it. And this is our only chance, and, unfortunately, a flawed bill is being presented as the only option that a few people here negotiated on their own, not in a bipartisan way.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I am going to vote for this bill. But I think before we be too self-congratulatory, we should be modest, particularly in regards to the provisions on the Cuba agricultural trade issue and on the reimportation issue. There are many areas in both of those provisions that we should strengthen. And we will be back next year I predict and we are going to strengthen those.

I consider this a small step forward on both of those. And so, I am going to vote for the bill. But just one of the provisions on the reimportation says that first an importer must get the drug tested and then get the manufacturer to supply the paperwork to the pharmacist.

What will happen then? The manufacturers will know every pharmacist that is reimporting drugs. Maybe the next time that pharmacist needs to have a drug from that pharmaceutical company they will find that the pharmaceutical company does not have enough drugs to provide them.

These are the types of things that we should have debated more fully and had some amendments on. But I do think the bill should move forward and I will vote for it, and I encourage a yes vote from all of our colleagues.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a very outspoken Member and a very able Member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me thank the gentlewoman from Ohio (Ms. KAPTUR) for her persistence and consistent work dealing with agriculture in the United States. And I thank the chairman of the committee.

I am from Texas. And there is a lot of agricultural business and work in Texas. There are also a lot of issues dealing with the needs of hungry people in the agriculture bill.

But it disturbs me greatly and I have expressed my consternation and opposition in voting against the previous question how we would ignore the thousands of seniors in my congressional district who are already aware that they cannot finance food and rent and prescription drugs, and then to ignore a bipartisan effort on the question of drug reimportation seems to be the height of hypocrisy.

This bill claims to have a drug reimportation provision, but it allows drug companies and their intermediaries to price discriminate against U.S. pharmacies and importers. It sunsets the legislation so we cannot even put in a reasonable infrastructure to encourage our pharmaceuticals and others to engage in this program. It allows drug manufacturers to block the importation of drugs through labeling because it does not allow the use of FDA-approved labeling. And we have gotten our consumers very label conscious.

And so, this is a death knell for the legislation. And it does not guarantee American consumers access to the best world market price because it restricts the countries eligible for importation even though the FDA agrees that safety standards for imported drugs are high enough to allow access to the entire world market.

Our neighbor in Texas, of which many of my constituents go to, Mexico, has been excluded, one of the largest countries in the southern hemisphere where thousands of seniors are already busing themselves to get cheaper drugs.

This is a poor statement on a crisis in America. It is a tragedy that we be so hypocritical. I am sorry we have used the agricultural vehicle for such a legislative initiative. I hope, Mr. Speaker, we can fix this problem.

Mr. Speaker, I rise to offer mixed sentiments regarding the consideration of the conference report for our Nation's Agriculture appropriations. First and foremost this legislative effort represents our plans for our Nation's food source for the next year, but this bill is much more because it touches prescription drug reimportation into the United States.

The measure appropriates $78.5 billion—$3.0 billion (4 percent more than the House bill, 4 percent more than the Senate measure and 2 percent more than requested by the administration. The agreement includes $3.6 billion in emergency funding to aid farmers hurt by disasters and low commodity prices; the House bill had provided only $115 million in emergency aid to apple and potato growers, while the Senate measure had $2 billion in disaster relief.

Over 75 percent ($59.8 billion) of the total budget authority provided by the agreement in FY 2001 is mandatory spending for entitlement programs, including $20.1 billion for the food stamp program. The remainder ($18.7 billion) is for discretionary programs. The discretionary spending in the bill is $4.7 billion more than the FY 2000 appropriation and $3.2 billion more than the administration's request.

As has been the case with the last couple of agriculture appropriations bills, this year's

measure broke with a tradition of easy passage and has been complicated by various issues. At the top of the list of things stalling the measure has been a proposal to relax trade sanctions against food and medicine sales to Cuba and other so-called rogue nations. In addition, proposals to ease Food and Drug Administration (FDA) rules for importing drugs and address rising prescription drug prices slowed the measure's progress dramatically. Finally, settling on emergency funding levels to aid farmers recovering from disasters and struggling with low commodity prices also proved difficult. Negotiators developed compromise language on each of these contentious issues during conference action.

This bill also makes an historic step toward removing the last vestiges of the cold-war era by instituting conditions for trade with Cuba. The agreement lifts current economic sanctions to allow shipments of food and medicine to Cuba among other nations. In the case of Cuba, the measure bars public and private United States financing of Cuban agricultural purchases. It also codifies restrictions (currently implemented by executive order) on Americans traveling to Cuba. This is an unfortunate result and this Congress should work to change this stifling action that will impair efforts to help the Cuban people.

The agreement purports to allow pharmacies and wholesalers to buy American-made prescription drugs abroad and reimport them into the United States. Unfortunately there is a loophole in this legislation, which may allow drug manufacturers to continue charging higher prices for medicine to our Nation's elderly who so desperately need relief. Under this legislation the drug companies will be allowed to continue to market the same drugs that Americans have to pay higher prices for under different names in Mexico and Canada. Further, there is language in this bill, which will allow drug companies to restrict the marketing of these drugs under their cheaper names back here in the United States. Once again the American public is being told that Congress is responding to the problem of the high cost of prescription drugs in this country, but yet again there is a loophole for the consumer to fall through. This Congress should not abdicate its responsibility to offer financial relief to the millions of elderly Americans who have to choose each month between paying their bills, purchasing food, paying rent, or buying vital medicine.

I would like to acknowledge that this conference does include as much as $3.4 million of the $6.8 million I requested be set aside for the 1890 Land Grant Colleges, which also includes many of our Nation's Historically Black Colleges and Universities, for research activity. Historically these institutions of higher learning received marginal increases and have been level funded for the last 5 years. The amendment will increase research activities by $4 million and extension activities by $2.8 million for the 1890's land grant institutions. This $6.8 million increase will be deducted from the Agricultural Research Service (ARS) funding included in the bill.

I had hoped that the conference committee members would have deemed it more than reasonable to fund this area to the full $6.8 million that was requested. Given the fact that the minority 1890 Land Grant Colleges did not receive any land-grant funding from the United States, unlike other land grant colleges, prior to 1967 with formulary funding not beginning until 1972. Since 1988 Federal funding for agriculture programs has declined by 8 percent and the base funding that supports agricultural scientists and extension educators has eroded by 16 percent. This has obviously had a devastating negative impact on the 1890's. Federal support for basic research in the decades since the 1950's has decreased from an annual growth rate of 22.9 percent in the 1950's to 2 percent in the current decade. Flat support for food and agricultural sciences compounded by the lack of adequate state matching funds have created an alarming erosion in the conduct of 1890 research and extension services. Although the Congress encouraged States to provide a 30-percent match for 1890 landgrant programs in FY2000, several 1890's are facing nearly insurmountable barriers in getting states to comply.

I hope that the actions taken in this bill to provide additional dollars to 1890 Land Grant Colleges will mark a new era of Federal support to these Historically Black Colleges and Universities.

Within the measure's $34.1 billion for domestic food programs is $4.1 billion ($37 million less than requested) for the women, infants and children (WIC) program. The bill appropriates $873 million ($5 million less than requested) for conservation programs; $973 million ($39 million more than requested) for the Agricultural Research Service; and $1.5 billion ($84 million less than requested) for the Rural Housing Service. It also provides the administration's request of $973 million for the PL–480 Food for Peace Program.

In addition, the measure modifies the eligibility rules regarding automobile ownership and monthly housing costs for food stamp recipients. Current law prohibits food stamp recipients from owning a car worth more than $4,650 or paying monthly housing costs of more than $275. Under the agreement, States could set their own caps for the vehicle allowance and gradually raise the housing cap over 5 years to $340 per month.

I would like to thank the conferees that worked on this conference report. However, I will vote "no" on the rule because of several failings in the bill and I will reluctantly vote "yes" on the legislation.

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

Ms. KAPTUR. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. HINCHEY) the sponsor of the key amendment that would have prevented drug companies from discriminating against U.S. importers and would have ensured that U.S. importers could purchase drugs on the same terms and conditions as foreign purchasers.

Mr. HINCHEY. Mr. Speaker, first of all, I want to express my profound appreciation to the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, for the work that he has done and the leadership that he has provided on this initiative, along with the gentlewoman from Ohio (Ms. KAPTUR), the ranking minority member. It has been a profound pleasure to serve on the subcommittee with both of these Members.

Mr. Speaker, this is a good bill in many respects. The agriculture bill here contains increases in farm conservation and rural development programs. It contains important increases in rural housing, business, and utilities programs that are critical to small communities across the country.

In addition, it contains important recognition for the Rural Economic Area Partnership Zone Program. It also includes funding for important agricultural research initiatives.

In addition, it contains a little more than $3 billion in critical emergency assistance for farmers and ranchers who have suffered through another year of bad weather and low prices.

There is also $138 million for apple farmers struggling to overcome loss of markets and devastating weather that have occurred over the last 3 years.

I want to make it clear, that particular provision for specialty crops was originated in this House in the Subcommittee on Agriculture Appropriations and nowhere else. So, for the first time, apple farmers and other growers of specialty crops are going to get recognition for the difficult circumstances under which they operate.

This bill is a good bill. It provides assistance for dairy farmers, $1.6 billion in crop losses for all farms all across the country. All farmers are going to benefit from it.

So if my colleagues are going to vote for this bill, as I am, vote for it for the agriculture and the rural development provisions in the bill, all of which are exemplary and good. Do not vote for it for the provision on prescription drugs. Because the prescription drug provision in this bill is a shell, it is a fake, it is a sham. It will not provide prescription drugs at reduced prices for any American anywhere. It is designed precisely in that way, to prevent any consideration to reduce prices of pharmaceuticals imported from Canada or anywhere else because the bill fails to recognize the ability of the pharmaceutical companies to insert language that will prevent that from happening.

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This is a good bill in many respects. However, it leaves to the next Congress the necessity to deal with the issue of the high cost of prescription drugs in America.

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

I just wanted to end by pointing out an important clarification here. The gentlewoman from Missouri indicated there was a Supreme Court case or an appeals court case and inferred that it supported her point of view.

Let me say that the Supreme Court declined to review the SmithKline case

so the appeals court stands. If the law requires you to use labels, you must. And that is exactly what the Democratic amendment required, exactly what the Waxman amendment required, exactly what the DeLauro amendment required in the subcommittee markup.

Mr. SKEEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, the judge said that they hold that the Hatch-Waxman amendments that already exist to the Food, Drug and Cosmetic Act require the labeling be used, be given by the drug manufacturer to the generic which means then, or to the reimporter in our particular case, and that it is not an infringement of copyright liability and, therefore, the drug company will have to provide the labeling under the discretion of the FDA. The FDA has broad discretion in this area and, therefore, all of that is covered in the language that exists in the bill that we are about to vote to pass.

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

Mr. Speaker, we have heard a good deal about what the bill does do and does not do in terms of two provisions, prescription drug reimportation and trade sanctions. I would like to remind my colleagues that both of these issues more properly belong in an authorization bill, not appropriations. But they are here in our bill and represent some progress in helping our senior citizens get affordable medicines and helping our farmers and ranchers sell more of their products. That is a great marriage.

If Members want to criticize this bill for what is not there, then I would remind them that this bill also does not have campaign finance reform, it does not have managed health care reform, and it does not guarantee peace in the Middle East. What this bill does, among other things, is improve our environmental and water resources, provide food and nutrition for the vulnerable in our society, protect our food and medical supplies, and keep our system of agriculture the best and the strongest in the world.

Oddly enough, that is what this appropriations bill is supposed to do. That is why every Member of this body should recognize the good that this bill will do for their constituents and vote ''aye.''

Mr. GILMAN. Mr. Speaker, while I am troubled by the failure of this measure to include funding for the disaster that befell our onion farmers in 1999, I will support this measure because it provides vitally important assistance to many farmers, growers of speciality crops and dairy farmers as well as the agricultural communities in my district.

I would also like to express my concerns over provisions in this bill in the Trade Sanctions Reform and Export Enhancement Title relating to Iran and other nations on the list of terrorist nations. We should, in my view, not be modifying our present policies toward Iran and Libya where we have in place a de facto prohibition against government credit for our exports to those countries.

The waiver on the prohibition on financing for commercial exports to Iran, Libya, North Korea or Sudan for national security purposes is, in my view, overly broad. Next year, we need to revisit this issue so we can ensure that the U.S. Taxpayer is not supporting commercial exports to terrorist countries, unless there are urgent humanitarian reasons to do so.

We also need to clarify that in providing licenses for the export of goods or services to countries promoting international terrorism under the current guidelines of the Department of the Treasury, we should keep the procedures in place for the denial of each and every license for any export to a person or group found to be promoting acts of international terrorism.

Mr. KOLBE. Mr. Speaker, I believe overall that the Agriculture Appropriations Conference report is a very good bill. It contains many admirable provisions including language that would allow the reimportation of prescription drugs. Data shows that a single does of a drug that costs a senior citizen $1 in the United States only cost 64 cents in Canada, while in Italy the same drug costs only 51 cents. I support drug reimportation—I am convinced this is one way to reduce the cost of prescription drug prices without imposing price controls or burdensome regulations on drug manufacturers. Indeed, I voted in favor of these provisions when the Agriculture Appropriations bill first passed the House and I am a cosponsor of H.R. 1885, the International Prescription Drug Parity Act, which contains many similar provisions.

Also included is funding for a number of initiatives which I strongly favor, including $1.5 million for pink bollworm control programs, $500,000 for aflatoxin research in Arizona. $5 million for the Water conservation and Western Cotton Laboratory move from Phoenix to the University of Arizona's Maricopa Agriculture Center (MAC), $495,000 for the International Arid Lands Consortium (administered by UA), $369,000 for the Southwest Consortium for Plant Genetics and Water Resources, $200,000 for hesperaloe and other natural products from desert plants research (conducted by UA), and $4,177,000 for shrimp aquaculture research. And I voted for a bill which contains these provisions when it passed the House on July 11, 2000.

However, during conference deliberations on the Agriculture Appropriations bill, an amendment was inserted into the bill that was not considered by an committee in either the House or Senate. This provision has serious repercussions for U.S. industry. Because of my strong opposition to this provision, I will reluctantly vote against this bill today.

Under the amendment adopted in the Agriculture Appropriations conference report, antidumping and countervailing duties which are currently paid by the importing industry would be transferred from the U.S. Treasury Department directly in the petitioning company. This is a major change in our current antidumping and countervailing duty laws with potentially disastrous consequences. Under current law, antidumping or countervailing duties are assessed to offset the dumping or subsidy and paid to the U.S. Treasury. Payment of the duties readjusts the market to replicate conditions as if dumping or subsidization had not occurred. The theory behind this law is to level the playing field between U.S. producers and foreign importers so that each may compete fairly for access to U.S. consumers. The provision inserted into the Agriculture Appropriations bill does much more—it double compensates the petitioner by no only offsetting the alleged injury, but also providing a windfall subsidy to the petitioner.

This provision will encourage other countries to adopt a similar industry subsidy. U.S. exporters facing dumping duties will end up directly subsidizing their competitors instead of paying duties to a foreign government. Because U.S. companies are the biggest targets of AD/CVD actions, this threatens our exports.

Subsidization of industry by any government which is a member of the World Trade Organization violates the WTO Agreement on Subsidies on Countervailing Measures. The U.S. Government supported this Agreement because we sought to eliminate foreign subsidies which undercut the ability of U.S. industry to compete abroad. Payment of AD/CVD duties violates the Agreement which could lead to retaliatory tariffs against innocent U.S. exporters.

The lure of a potential monetary windfall could spur additional litigation under our AD/CVD laws. In order to be eligible for the potential windfall, U.S. industry would be encouraged to join in the filing of AD/CVD petitions. Otherwise, they would not be eligible for any payments which might be made under this new provision. Furthermore, the promise of monetary compensation would take away any incentive to enter into ''suspension agreements'' or settlements whereby a foreign producer agrees not to sell below an agreed price in an antidumping case. More cases means more duties, on the backs of this U.S. industries which depend on steady supplies of products which may subject to AD/CVD.

Because of the serious implications of this ill-considered provision, I am reluctantly voting against the Agriculture Appropriations conference report.

Mr. BLUMENAUER. Mr. Speaker, I reluctantly voted against this bill though there is much in it that merits support. However, the benefits accorded to farmers in this bill are disproportionately skewed to large operations, not to smaller-scale, family farms. If people want to step back and provide benefits for small farms, I will be the first to look at ways that we can do that in a cooperative fashion. But this bill is not targeted. We continue to pour unprecedented sums to agriculture without addressing the apparent failure of the so-called ''Freedom to Farm'' bill.

Several provisions illustrate the lost opportunities. We missed an opportunity with Cuba in this bill. We successfully trade with China. Why can't we pursue a rational trade policy with Cuba? Cuba trade will hasten the departure of Fidel Castro, leader of one of the last remaining bastions of communism.

There is a rider for the sugar industry buried in this conference report that subverts the reform the 1996 Freedom to Farm bill was supposed to usher in. It will do nothing to change the $352 million in loan defaults taxpayers are paying this year, no GAO's estimated $1.9 billion cost of the sugar program to consumers.

As pointed out in an October 1 editorial in the Washington Post, the drug reimportation language in this bill is unlikely to do much to address the problem of affordability of prescription drugs. The five-year time limit on the bill will significantly minimize the effectiveness of this token effort to address the skyrocketing cost of pharmaceuticals. These narrow provisions won't have the impact for our seniors that real solutions to the prescription drug crisis world have.

This bill does not do enough to address the serious problem of hunger in the United States. Even in this time of unprecedented prosperity, many families are hungry. Oregon has one of the highest rates of hunger in the nation. Yet, the conference report provides less funding to food stamp programs, less funding to school breakfast and lunch programs, and less funding to the WIC programs than what was originally allocated in the House and Senate versions of this bill.

We can do better.

Mrs. KELLY. Mr. Speaker, I rise to being attention to one of the concerns I have with this bill. To be specific, I was very troubled to find that the conference report being considered today includes language which restricts funding for the American Heritage Rivers Initiative (AHRI).

When this bill first came to the floor in June, it included language which prohibited funding for the Natural Resources Conservation service (NRCS) from being used for the American Heritage Rivers Initiative. I offered an amendment to strike this language out, and it was adopted with unanimous support from this body.

In light of this body's support for my amendment—and the fact that no such similar language was in the bill passed by the other body—it is difficult to understand why the conferees found it appropriate to include the restrictive language in the conference report. As I have noted on the floor in the past, I understand that some enmity exists for the American Heritage Rivers Initiative by those who feel that the initiative represents an intrusion of the federal government into local affairs. Though I'm confident that an examination of AHRI's record will show that their concerns are entirely unfounded, I will not attempt to dissuade my colleagues from their opinion.

These Members had the opportunity to protect their communities from this phantom threat when the initiative was implemented, having been given the power to veto the involvement of their districts in AHRI. I would like to remind my colleagues that the only communities which remain in the initiative are the ones which have actively chosen to participate, including communities in my district, and so I resent these actions undertaken by Members—behind closed doors—which certainly will have a negative effect only on communities other than their own.

I will support this bill only because so many important programs stand to benefit from its enactment, but I regret the failure of the conferees to abide by the will voted by this body in June. In the future, I hope they will be more respectful of the decisions made by communities in other Member's districts.

Mr. SANFORD. Mr. Speaker, today, I rise in opposition to H.R. 4461, to FY 2001 Agriculture Appropriations Conference Report. I oppose this bill for a few different reasons, but right now I would like to talk about just one. Interestingly, this reason has nothing to do with farming, but rather the issue of an American citizens ability to travel to Cuba.

Mr. Speaker, I opposed today's bill because of the agreement regarding the sales of food and medicine to Cuba, Libya, North Korea, Iran, and Sudan. The agreement permits the sale of food and medicine, but also codifies the current restrictions regarding the American citizens ability to travel to Cuba.

I oppose this agreement for three reasons. Number one is procedure. On July 20th of this year, I offered an amendment that would have prohibited funding for the enforcement of travel restrictions. Essentially, lifting the travel restrictions. The amendment passed the House by a vote of 232 to 186, but unfortunately the amendment was stripped out of the Treasury-Postal Appropriations bill. This agreement would do just the opposite of what the majority of the House supported. By codifying the present travel restrictions, it prohibits this President or any future President from making changes to the current travel regulations. Therefore making it more difficult for Americans to travel to Cuba in the future.

This point is significant, Mr. Speaker, because it has not historically been our nations policy to restrict travel. Actually, our policy has been just the opposite. Whether it was South Africa during apartheid, the Soviet Union under Communism or the People's Republic of China today, our nation has consistently encouraged the notion that person to person diplomacy was in our national interest.

Number two, the Fifth Amendment of the Constitution protects an American citizen's right to travel. In 1956, the Supreme Court first affirmed this right in Kent v. Dulles. The court stated, ''An American who has crossed the ocean is not obliged to form his opinion about our foreign policy merely from what he is told by officials of our government or by a few correspondents of American newspapers. Moreover, his views domestic questions are enriched by seeing how foreigners are trying to solve similar problems. In many different ways direct contract with other countries contributes to sounder decisions at home.''

In 1965, the Supreme Court heard the case of Zemel v. Rusk. The case specifically addressed the question of travel to Cuba. In Zemel v. Rusk, the Court again ruled that the right to travel is guaranteed in the fifth amendment. But the Court went on to find that the restriction on travel to Cuba was constitutional because it was supported by the ''weightiest consideration of national security.'' However, according to a U.S. Defense Intelligence Agency report issued on May 5, 1998, Cuba is no longer a military threat to the United States.''

Number three, I believe we should look the issues of fairness and severity. Let me say that I do support the idea of permitting sales of U.S. foods and medicines to these nations. But, if you weight the pros and cons of the sales versus travel, I don't think this agreement passes the common sense test. Let's look at the four other nations this agreement permits sales to, North Korea, Iran, Sudan, and Libya.

American citizens are permitted to travel to North Korea and Sudan. North Korea is developing missiles believed to be capable of delivering nuclear warheads. After North Korea test fired a three stage rocket in 1998, U.S. intelligence estimates reported that such a missile would have the range to reach Alaska and Guam.

The State Department has reported that Sudan ''continued to serve as a refuge, nexus, and training hub for a number of international terrorist organizations.'' Additionally, the Sudanese government continues to force its own citizens into slavery for opposing the government's ''holy war.''

Presently, State Department regulations prohibit U.S. citizens from traveling to Iran and Libya, but these two countries were still given perferentional treatment compared to Cuba. Iran and Libya will be given access to U.S. credit programs, whereas Cuba will not.

Even though the Administration proliferation reports released this August assert that Iran is ''one of the most active countries seeking to acquire weapons of mass destruction and advanced conventional weapons,'' assisted primarily by Russia, China, and North Korea. And Libya was early this year accused by the United Kingdom of smuggling Chinese Scud missile parts through Gatwick airport, and who the U.S. Department of Defense accused of receiving missile technology training from China.

After reviewing these facts, I have to ask does it make sense for this Congress to support doing business with these nations at the cost of infringing on the rights of American citizens to travel? I don't think it does. Therefore, Mr. Speaker I will be voting against today's bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4461, the FY2001 Agriculture Appropriations Act. I would like to thank Chairman SKEEN and the members of the Subcommittee for their leadership in drafting this legislation and I rise in strong support of its passage.

Included in this bill is significant funding for the boll weevil eradication program. Boll weevil eradication has been a federally sponsored initiative for the last twenty-five years which has successfully eradicated the cotton pest from many states. The remaining states with on-going eradication programs include New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Mississippi and Tennessee. While all these states do receive some direct federal grants, it is nowhere near the percentage received by those states where the eradication program has already been completed. Instead, our states are required to call upon cotton growers in the State to self-finance the cost of most of the eradication program. The federal government's percentage of support for these programs has steadily declined over the last few years and today, the federal contribution is only a few percentage points of the cost of the overall program. In lieu of direct federal

grants, the Congress has provided these remaining states with access to low interest USDA loans, some grant money, and ''in-kind'' federal assistance. In most instances, the state governments have been required to ''step up to the plate'' and provide significant financial support to replace the lost federal aid.

In Oklahoma, our state legislature created the Oklahoma Boll Weevil Eradication Organization, or OBWEO, as a state agency in 1993 to coordinate the state-wide effort. In 1995, the legislature amended the powers of the OBWEO to enhance its financial capabilities so that OBWEO could apply for and receive USDA low-interest loans, as well as issuing state bonds, the interest from which would be exempt from federal income tax. Shortly thereafter, OBWEO organized the State's growers and began its eradication efforts.

Unfortunately, neither of the two financial tools with which OBWEO was equipped proved to be useful. Due to quirks in USDA loan regulations, OBWEO has never been eligible for USDA loans. Moreover, OBWEO has not been able to issue federal tax-exempt bonds because of a restriction in the Internal Revenue Code regarding ''private activity bonds''. The inability of OBWEO to use the tax-exempt feature has resulted in additional interest costs as well. All told, OBWEO has seen its financing costs increase by almost $2 million, which is a tremendous amount in light of a total program cost of just under $17 million. In other words, OBWEO is experiencing a more than 15% program cost over-run because it cannot get access to loan programs available to other states.

This bill takes the necessary steps to get the eradication program in Oklahoma back on track with that in other states. Furthermore, it provides the necessary resources for the cotton producers nationwide to implement aggressive, successful eradication programs to rid their crops of these destructive pests. Other benefits for the cotton producers across the country include an increase in the limitation on Loan Deficiency Payments (LDPs) and Market Loan Gains (MLGs) to $150,000 for 2000 crops of cotton, grains and oilseeds, $78 million for the federal cost share contribution to boll weevil eradication, and $100 million in lending authority for the eradication program.

Also included in this bill is funding for the Retired Educators for Agricultural Programs, or REAP. REAP is an organization which was established in 1994 to address the diminishing numbers of African American agricultural education teachers in Oklahoma and the scarcity of African American youth enrolled in vocational agriculture and programs such as the Future Farmers of America. Initially, REAP was operating in five counties in Oklahoma. It has since begun to operate in other areas throughout the State.

The mission of REAP is to build a foundation that promotes personal and economic opportunities in agriculture for African American youth through project development and partnerships with educational and other community resources. One of the primary goals of REAP is to emphasize citizenship, economic development, leadership and scholarship to the African American youth involved in the program.

REAP extends its outreach to the parents and community members by means of programs, forums and opportunities to chaperone student activities. The program encourages this participation in the hope that the adults will become better informed, more involved and more supportive of the reasonable and achievable aspirations of their young people.

REAP exemplifies a model that can be easily replicated. It is a program of vision, partnerships and commitment that is timeless in focus and limited only by the parameters of the imagination. Field trips to areas in my district in Southwest Oklahoma have ignited great interest in expanding the program into this area of our state. Parents and teachers in Lawton, Altus, Frederick and Tipton, assure me that there is a great need for REAP in our area of the State where limited financial resources have precluded service.

Mr. Speaker, REAP is an important program which could be used as a model for similar programs in other states. This program is vital to the further development of rural America. I am honored to have the opportunity to play a role in furthering the efforts of this very important program.

The bill also includes $3.5 billion for emergency assistance to farmers and ranchers who have suffered economic losses associated with weather-related yield and/or quality losses. This alone will not address all the disaster assistance needs of our producers. For instance, in Oklahoma alone, the damage from the summer drought and wildfires is estimated at over $1 billion. However, this is a step in the right direction to providing much-needed assistance for our farmers and ranchers.

Mr. Speaker, I rise today in strong support of this bill and ask my colleagues to join me in supporting our nation's farmers and ranchers by casting their vote in favor of H.R. 4461.

Mr. BURR of North Carolina. Mr. Speaker, I am pleased that many of the agriculture needs of the U.S. are covered in this legislation, yet I need to express my concerns with the reimportation provision.

It is important to remember why the Prescription Drug Marketing Act of 1988 (PDMA) was enacted in the first place. At the time, there was considerable evidence that counterfeit and otherwise adulterated drugs were entering U.S. commerce from abroad. After a lengthy investigation, the Commerce Committee concluded that greater restrictions on pharmaceutical imports into the U.S. were essential to protect the safety of American patients and the integrity of the U.S. drug supply. In response, a bipartisan Congress enacted PDMA.

PDMA was designed to (1) prevent the introduction of prescription drugs that may have been improperly stored, handled, and shipped overseas, and (2) reduce the opportunities for importation of counterfeit and unapproved prescription drugs.

As Vice Chairman of the Commerce Oversight and Investigations (O&I) Subcommittee, I have participated in two hearings on the importation of counterfeit bulk drugs. Currently, even with PDMA, the Food and Drug Administration (FDA), Department of Justice, and U.S. Customs Service are having a very difficult time inspecting overseas drug manufacturing facilities and confiscating counterfeit bulk drugs that enter the U.S. According to a DEA agent, 25% of the drugs coming across the U.S./Mexico border are counterfeit and a majority of the remaining 75% are not from FDA approved sources. If those agencies are having a difficult time with PDMA in place, I dread to see what will happen after Congress destroys PDMA with this reimportation language.

The bottom line in this issue is consumer safety. When my constituents in the 5th District of North Carolina go to their neighborhood pharmacy to pick up their prescriptions, they should not have to think about the quality of the drugs they are purchasing. I did not spend two years modernizing the Food and Drug Administration to sit back and allow my constituents to worry about counterfeit drugs entering the U.S.

There is also an issue of cost within this reimportation debate. Members of Congress who support reimportation believe that this change in law will provide Americans with cheaper pharmaceutical drugs. Unfortunately, there is no guarantee that reimportation will save Americans money.

First of all, the FDA is asking for at least $23 million to start implementing the reimportation provision. Most likely that $23 million will grow to $60 or $90 million very quickly. A witness from the U.S. Customs Service testified at the most recent Commerce O&I Subcommittee hearing that the Customs Service would also need additional money to patrol the reimported drug shipments.

Second, there is no mandate in this legislation that wholesalers and pharmacists have to pass the savings from reimported drugs onto U.S. consumers. Various middlemen, both in the U.S. and abroad, will take in the profits, while consumers will bear the risk. Today, Internet sales remove the middlemen, but not the risk.

The Energy and Commerce Committee lead by Chairman DINGELL pointed out that reimportation may not always translate into lower priced drugs for consumers. On July 10, 1985, Chairman DINGELL said, ''To those of you who would have us believe that prescription drug diversion is just another way to give the consumer a price break, I say, look about you. These are not counterfeit tee shirts or counterfeit Gucci handbags. No consumer can possibly weigh the risk involved in the purchase of medicine which has not been properly stored, or which has been shipped outside channels of commerce where it is properly protected with law.''

Americans' trust of Congress will quickly erode when cost savings are not found through reimportation and people become ill and possibly die due to imported and reimported drugs that are counterfeit or adulterated.

The reimportation language contained in this legislation not only affects the quality of drugs entering the U.S. but it also poses a large threat to international commerce. At the last minute, several members of Congress pushed for language that interferes with contracts between American manufacturers and foreign countries/wholesalers. That language is unconstitutional based on the Fifth Amendment to the U.S. Constitution: ''nor shall private property be taken for public use without just

compensation.'' There have been several court decisions that uphold the rights of patent owners and manufacturers to decide to whom they sell their products. The contract language contained in this legislation clearly contradicts those court decisions.

On June 28, 2000, the House passed H.R. 4680, legislation that would provide Medicare beneficiaries with comprehensive, high quality, and affordable drug coverage. I am pleased to be an author of that legislation. I agree that American consumers should have access to low priced pharmaceuticals, but the best way to that access is through drug coverage, not reimportation.

Dr. Jere Goyan, former FDA Commissioner under Jimmy Carter, summarized this issue well: ''I respect the motivation of the members of Congress who support this [reimportation] legislation. They are reading, as am I, stories about high prescription drug prices and people who are unable to pay for the drugs they need. But the solution to this problem lies in better insurance coverage for people who need prescription drugs, not in threatening the quality of medicines for all of us.''

I am pleased that adherence to the FDA's gold standard, Section 505 of the Food, Drug, and Cosmetic Act, has been placed into the reimportation language. Initially, some members of Congress wanted to create a second, less-restrictive standard for pharmaceuticals entering the U.S. By specifically mandating that all drugs imported and reimported into the U.S. must pass Section 505 standards, Congress is establishing an important hurdle for wholesalers and pharmacists to overcome.

Unfortunately, I do not think that the FDA and Customs will be able to check all of the paperwork to ensure that the drugs have been tested and that they passed Section 505 standards. Counterfeit paperwork is easier to produce than counterfeit drugs.

Although I have used the term ''reimportation'' throughout this statement, please understand that Congress is not just talking about reimporting drugs. We are also talking about importing drugs. ''Reimported drugs'' are manufactured in U.S. quality controlled facilities, shipped for sale overseas, and imported back into the U.S. ''Imported drugs'' are made overseas in manufacturing plants that may never be inspected by the FDA, shipped to a foreign county with pill colors, shapes, and labeling for that country, and then imported into the U.S. by U.S. wholesalers and pharmacists. This language will allow imported drugs into the U.S.

I hope that both national and internatonal AIDS groups realize that this language will stop pharmaceutical companies from selling AIDS medications to foreign countries at greatly reduced prices because the bill does not prevent those medications from re-entering the stream of commerce with great financial gian to foreign countries and huge financial losses to pharmaceutical companies.

The last section of the reimportation language is a bill by Representative GUTKNECHT. The FDA reviewed this legislation and, in a letter to Representative DINGELL, expressed opposition to the vagueness of the bill's language. Because the term ''warning notice'' is so poorly defined, the bill will cripple the FDA's ability to contact any importer that has suspicious drugs at a U.S. port of entry. In the letter, the FDA reassures Congress that they could internally address the issu eof personal use letters to seniors. There is no good reason why Representative GUTKNECHT's bill is attached to this legislation.

In conclusion, I am deeply concerned about the safety and efficacy of the drugs that will fill Americans' medicine cabinets if this legislation passes. For decades, the U.S. has set the highest standard in the world for quality prescription drugs. Becasue of this high standard, the U.S. is home to the discovery and manufacturing of the most innovative new therapies in this world. If Congress passes this legislation, we will be destroying the safety and efficacy of drugs consumed by our constituents. We will also be giving pharmaceutical companies every reason to pull their headquarters and manufacturing plants out of the U.S. and into countries with lower labor and manufacturing costs. Why some members of Congress want to both expose Americans to counterfeit and adulterated drugs and drive industry out of the U.S. is truly beyond me. It is for these reasons that I would vote against the Agriculture Appropriations Conference Report.

I submit the following items to be entered into the RECORD.

1. Letters opposing reimportation from the Chamber of Commerce, National Association of Manufacturers, National Mental Health Association, National Multiple Sclerosis Society, ALS Association, Cystic Fibrosis Foundation, Kidney Cancer Association, Log Cabin AIDS Policy Institute, National Prostrate Cancer Coalition, Pancreatic Cancer Action Network, Pulmonary Hypertension Association, Society for Women's Health Research, Allergy and Asthma Network Mothers of Asthmatics, and

2. A Sept. 20, 2000 letter from Representative BURR, Representative TAUZIN, Representative GREENWOOD, Representative OXLEY, REPRESENTATIVE PICKERING, and Representative EHRLICH to Members of the House and Senate Agriculture Appropriations Subcommittees.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, October 4, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, strongly opposes legislation that would require American manufacturers to sell unlimited quantities of prescription drug products to any foreign wholesaler. I urge your personal intervention in this very serious matter.

I urge you to reject these so-called ''non-discrimination'' provisions proposed by Congressman HENRY WAXMAN which have been slightly modified for inclusion in the agricultural appropriations conference report as they would set a harmful precedent for all U.S. businesses and industries.

These modified ''non-discrimination'' provisions would pose a significant threat to current commerce and international business practices by attacking manufacturers' ability to freely contract. Furthermore, there has not been a single hearing to study the total impact of these provisions on business operations including the creation of jobs, as well as the U.S. economy.

Finally, permitting the importation to the U.S. of products sold abroad where prices are not determined by market forces sets a terrible precedent. Again, I urge your timely intervention and I urge you and your colleagues to reject the drug reimportation provisions generally and the modified Waxman proposal particularly.

Sincerely,

TOM.

NATIONAL ASSOCIATION OF MANUFACTURERS,
October 4, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write to urgently draw your attention to a pending amendment offered by Rep. Henry Waxman to the prescription drug reimportation language contained in the Agriculture Appropriations bill (H.R. 4461) currently in conference. The NAM strenuously opposes this amendment, which should be promptly rejected.

The NAM has been greatly concerned by the drug reimportation provisions that previously passed the House and Senate—seeing a great threat to consumer safety. These provisions have been improved by their emphasis on the Senate-passed provisions and with the addition of greater consumer safeguards. The resulting language—though still more than the NAM can support—is a more reasonable approach to this popular issue.

The Waxman ''non-discrimination'' amendment is wholly inconsistent with the revised reimportation language and far more dangerous in its own right. What precedent would Congress set for other industries by requiring American pharmaceutical manufacturers to sell to any foreign wholesaler? Patient safety would be compromised by the diminution of domestic supplies and endangered by the prospect of sales to unscrupulous or fly-by-night foreign wholesalers.

We are also troubled that the Waxman language would criminalize manufacturers' failure to sell to any foreign wholesaler. The criminal provisions in the reimportation language are appropriately intended to deter counterfeiting and were never intended to address the business decision of a manufacturer determining where to sell its products.

Again, the NAM urgently requests your assistance in defeating the Waxman amendment.

Sincerely,

MICHAEL E. BARODY.

NATIONAL MENTAL HEALTH ASSOCIATION,
Alexandria, VA, August 31, 2000.

Hon. THAD COCHRAN,
Chairman, Senate Agriculture, Rural Development, and Related Agencies Subcommittee, Washington, DC.

DEAR CHAIRMAN COCHRAN: As head of the nation's largest and oldest advocacy organization representing millions of individuals with mental illness across the country, I am writing to you regarding the need to maintain meaningful safety standards for pharmaceutical products. This past session of Congress has witnessed unprecedented interest in prescription medicines. I wish to express my concern regarding a couple of the measures that have been advanced in the House and Senate Agriculture Appropriations Bills.

In the House, the Crowley and the Coburn amendments, restricting funds for use in enforcement of the importation and re-importation provisions of the Prescription Drug

Marketing Act (PDMA), section 801(d)(1), could substantially increase risks to Americans who rely on prescription medicines. Similarly, the Jeffords amendment, permanently restricting the Food and Drug Administration's ability to regulate pharmaceutical importation, could also place American consumers at risk. While our organization is supportive of affordable pharmaceuticals for all Americans, we are troubled by the potential risks that come with the assumed savings, especially since there are no guarantees provided in these amendments that the savings would even be passed on to the consumers.

In its statement regarding the impact of these amendments on prescription drug safety, the Food and Drug Administration issued this caution:

''These amendments will likely encourage the very sources of adulterated, misbranded and unapproved drugs that were cut off by section 801(d)(1), to begin shipping again. FDA, with its limited resources, would be extremely hard-pressed to do the investigative work necessary to discover and stop these new sources of potential harmful products.''

As the Conference Committee proceeds with its final deliberations on the Agriculture Appropriations Bill, I ask that you carefully weigh these risks that the American public might be incurring compared to the real dollar savings that might be realized. On behalf of our 340 affiliates nationwide, I want to thank you for addressing the delicate issues of prescription drug pricing and safety regulation. I look forward to working with you in the future as Congress continues this debate.

Sincerely,

MICHAEL M. FAENZA, M.S.S.W.,
President & CEO.

NATIONAL MULTIPLE SCLEROSIS SOCIETY,
New York, NY, September 27, 2000.

Hon. JOE SKEEN,
U.S. House of Representatives,
Washington, DC.

DEAR CHAIRMAN SKEEN: I am writing to express the National Multiple Sclerosis Society's concern about legislation that could lead to the importation of unsafe drugs into our country. Earlier this year the House and Senate approved provisions that would weaken the Food and Drug Administration's (FDA) ability to ensure the safety and reliability of drugs entering the United States from foreign countries. For instance, the FY2001 Agriculture Appropriations bill included the Crowley and Coburn amendments that would prohibit the FDA from spending money on any enforcement actions, including testing for safety, that restrict the importation of drugs approved for sale in the United States. We believe the authors of these amendments are genuinely committed to helping reduce the high cost of prescription drugs. However, their approach could jeopardize the health of countless Americans by making them rely upon potentially mislabeled, adulterated, counterfeit, expired or improperly stored medication to treat their conditions. Please ensure that the final Agriculture Appropriations bill does not include any provisions that would hamper the FDA in its commitments to consumer safety.

Eleven former FDA commissioners have said that allowing the importation of drugs would weaken the Prescription Drug Marketing Act (PDMA), which for the past 12 years has helped the FDA protect American consumers from unsafe drugs. The Clinton Administration has called these amendments ''unacceptably flawed'' and said they would ''severely restrict the (FDA's) authority to enforce the law that allows only manufacturers to re-import drugs.'' When asked to comment on the effect of these amendments, the FDA replied:

''These amendments will likely encourage the very sources of adulterated, misbranded and unapproved drugs that were cut off by section 801(d)(1) (of PDMA), to begin shipping again. FDA, with its limited resources, would be extremely hard-pressed to do the investigative work necessary to discover and stop these new sources of potentially harmful products.''

People with multiple sclerosis, as well as people with other chronic diseases, rely heavily upon pharmaceutical products, including highly complex biological medications, to fight their diseases and continue to lead active lives. These products must be carefully monitored for safety and consistency throughout their production, storage and delivery to the patient to ensure safety and full efficacy.

The National Multiple Sclerosis Society, established in 1946, is dedicated to ending the devastating effects of multiple sclerosis. Multiple sclerosis is an often progressive, degenerative disease of the central nervous system that affects one-third of a million Americans. Multiple sclerosis is unpredictable in its course, and can have a devastating medical, personal and financial impact on the people it affects. With over 600,000 members, National Multiple Sclerosis Society is the world's largest voluntary health agency devoted tot he concerns of those affected by multiple sclerosis.

If you have any questions regarding this matter, please contact our Public Policy Office at (202) 408–1500.

Sincerely,

MIKE DUGAN,
General, USAF, Ret., President and CEO.

SEPTEMBER 5, 2000.

To: Members of the House-Senate Conference Committee on the Agriculture Appropriations Bill:

We, the undersigned patient and survivor organizations, are writing to urge you to oppose any drug importation or reimportation proposals, such as the Crowley Amendment and the Coburn Amendment (in the House-passed bill) and the Jeffords Amendment (in the Senate-passed bill).

While we appreciate the concerns of Congress to make prescription drugs more accessible, we are deeply concerned that overturning the Prescription Drug Marketing Act, landmark bipartisan legislation intended to protect consumers from counterfeit, adulterated or impotent medicines, or lowering standards under the Federal Food Drug and Cosmetic Act for imported drugs, will put all people in danger.

We believe these amendments will have a significant impact on FDA's ability to protect the public health and are not an appropriate or acceptable solution to prescription drug access concerns. Access to medication which poses a risk to the individual is worse than no access at all.

Our groups, representing millions of Americans with diseases such as cancer, cardiovascular disease and AIDS, believe that full and open hearings involving all stakeholders must be held prior to adoption of any policy which puts the integrity of medications taken by the American people at risk. Let us not forget that you and your families, as well as we and ours, will all be faced with this risk. It is not worth the price.

Respectfully submitted,

Stevan Gibson, The ALS Association; Suzanne Pattee, JD, Cystic Fibrosis Foundation; Carl F. Dixon, Kidney Cancer Association; James Driscoll, Log Cabin AIDS Policy Institute; Richard N. Atkins, MD, National Prostate Cancer Coalition; Julie Fleshman, Pancreatic Cancer Action Network; Rino Aldrighett, Pulmonary Hypertension Association; and Phyllis Greenberger, Society for Women's Health Research.

ALLERGY AND ASTHMA NETWORK,
MOTHERS OF ASTHMATICS INC.,
Fairfax, VA, September 20, 2000.

Hon. THAD COCHRAN,
Chairman, Senate Agriculture, Rural Development and Related Agencies Subcommittee,
Washington, DC.

DEAR CHAIRMAN COCHRAN: I am writing to you to advise you of our opposition to drug importation schemes, such as those commonly known as ''The Coburn Amendment'' and ''The Crowley Amendment'' (both in the U.S. House of Representatives) and ''The Jeffords Amendment'' (in the U.S. Senate).

We fear that these amendments will undermine FDA safety protections which could greatly increase risks to American patients who will be exposed to counterfeit, mismeasured or adulterated pharmaceuticals.

Allergy and Asthma Network—Mothers of Asthmatics, Inc. believe that full and open public hearings involving all the stakeholders, must be held prior to adoption of any scheme which puts the integrity of the U.S. pharmaceutical supply at risk.

I respectfully request that any action on these proposals be deferred until full and complete hearings are held.

Sincerely,

NANCY SANDER,
President.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 20, 2000.

DEAR MEMBERS OF THE HOUSE AND SENATE AGRICULTURE APPROPRIATIONS SUBCOMMITTEES: As Members of the House Commerce Committee, we are writing to express our concern over the amendments relating to pharmaceutical imports that were attached to the Agriculture Appropriations legislation on the House floor. While we share Congress' deep desire to increase patients' access to reasonably priced pharmaceuticals, we believe such a fundamental change in current U.S. law should not be enacted without more thorough consideration of its full potential impact on public health and safety.

In floor debate, the Crowley and Coburn amendments were characterized as simply providing for the personal importation of pharmaceuticals for personal use, primarily from Canada and Mexico. Many thought that the amendments were identical in concept to Representative Gutknecht's legislation that passed the House on June 29, 2000. In reality, the statutory language of the amendments will result in a complete reversal of current U.S. law and policy, as set forth, in part, by the Prescription Drug Marketing Act (PDMA) of 1987, a statute clearly within the jurisdiction of the Commerce Committee.

It is important to remember why PDMA was enacted in the first place. At the time, there was considerable evidence that counterfeit and otherwise adulterated drugs were entering U.S. commerce from abroad. After a lengthy investigation, the Commerce Committee concluded that greater restrictions

on pharmaceutical imports into the U.S. were essential to protect the safety of American patients and the integrity of the U.S. drug supply. In response, a bipartisan Congress enacted PDMA.

PDMA and related restrictions in the Food Drug & Cosmetic Act have served their purpose well. While estimates of counterfeit or substandard drugs approach 10 or even 20 percent abroad, the incidence in the U.S. is negligible. Any change in current U.S. law that goes beyond a very narrowly drawn personal use exemption will likely expose Americans to the rates of pharmaceutical counterfeiting found abroad.

The drug importation amendments raise far more complex issues than were properly discussed when the Crowley and Coburn amendments were adopted on the House floor. After closer examination of the amendments and despite our strong desire to address the pharmaceutical access and coverage issue, we do not believe such changes to PDMA represent sound policy or process. Instead of taking such ill-advised legislative action, it is our hope that we can work together on real and workable solutions to the problem at hand without exposing Americans to unnecessary risk.

To strengthen our argument, we have enclosed (1) a booklet that contains letters from 11 FDA commissioners who agree that reimportation is dangerous for U.S. patients and, (2) a list of counterfeit pharmaceuticals recently confiscated in the U.S. Please read these items for a better understanding of the danger U.S. patients will face if the amendments are included in the conference report as passed by the House.

Sincerely,

RICHARD BURR.
W.J. ''BILLY'' TAUZIN.
JAMES GREENWOOD.
MICHAEL OXLEY.
CHARLES PICKERING.
ROBERT EHRLICH.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference report for H.R. 4461, the Agriculture Appropriations bill for Fiscal Year 2001. This bill provides $78.5 billion for agriculture programs, including $3.6 billion for emergency spending to help farmers hurt by disasters and low commodity prices. In the state of Texas, farmers have been enduring drought conditions which make farming more difficult. This legislation will provide the assistance that these farmers need to continue to produce our nation's food supply.

I am also pleased that this legislation includes vital funding for nutritional health research through the human nutrition research service program which is part of the Agriculture Research Service at the United States Department of Agriculture. This bill provides an additional $750,000 to provide a total of $12.9 million for the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in cooperation with Texas Children's Hospital, located in Houston, Texas. The CNRC is dedicated to defining the nutrient needs of mothers and their children in a controlled environment.

Since its inception in November 1978, the CNRC has focused on critical questions relating to pregnant women and their infants. More than 8,500 volunteers have participated in studies to determine optimal prenatal development, including which nutrients positively impact infant health and human development. These studies have also helped to identify the regulatory controls of body weight and body composition during infancy and childhood. Studies have also shown how dietary habits can contribute to long-term health and the diet-related chronic diseases such as osteoporosis, obesity, hypertension, diabetes, cardiovascular disease, and cancer.

I would like to highlight two recent discoveries made at the CNRC that will help children live healthier, longer lives. A recent study by Dr. Theresa Nicklas at the CNRC demonstrates that few teens have eating habits that mirror the U.S. dietary recommendations for fat and fiber. This study found that only one-third of the 319 teens whose diets were analyzed had a low-fat-high fiber diet. Clearly, parents need to know more about this study so they can provide healthier food for their children. Another CNRC study found how much calcium is needed to help children to grow. This calcium reference data is used by many health care professionals to make recommendations to parents about the appropriate calcium intake for their children. With more information, parents will have the knowledge they need to provide a healthy diet for their children.

With this additional funding, the CRNC can continue its vital work to improve our children's health. I am committed to providing maximum funding for agriculture research programs and am pleased that the Appropriations Committee has increased funding for the human nutrition research. Under the guidance of Baylor College of Medicine, I am certain CNRC will continue to lead the way in the field on nutritional research.

I also want to highlight that I am concerned about one provision in this bill related to reimportation of Food and Drug Administration (FDA) approved prescription drugs for America's consumers. This conference report allows pharmacies and wholesalers to buy American-made prescription drugs abroad and reimport them into the United States. Since many American-made drugs are sold at lower prices abroad, I strongly support this effort to reduce prescription drug costs for all Americans. However, I am disappointed to learn this bill also includes a provision that allows drug manufacturers to restrict access to their American-made products for those wholesalers and pharmacies which import their drugs. As a result, I am concerned that there will be no reimportation of prescription drugs and consumers will continue to pay high prices for the prescription drugs that they need.

I urge my colleagues to support this legislation that provides funding for important agriculture programs.

Mr. BEREUTER. Mr. Speaker, this Member support's the conference report for H.R. 4461, the FY2001 Agriculture Appropriations bill. In particular, this Member commends the distinguished gentleman from New Mexico (Mr. SKEEN), Chairman of the Agriculture Appropriations Subcommittee and the distinguished gentlelady from Ohio (Ms. KAPTUR), Ranking Member of the Subcommittee for their hard work on this critically important bill.

This conference report contains $3.5 billion in critical emergency disaster relief for agriculture producers. This, of course, is in addition to the $7.1 billion in economic assistance for agriculture producers including $5.5 billion in higher Agricultural Market Transition Act (AMTA) payments as part of the crop insurance reform legislation signed into law earlier this year on June 22, 2000.

The emergency funds in the conference report we are considering today are particularly important to Nebraska farmers, because drought conditions in the Great Plains have substantially lowered production at a time when we have low commodity prices. Included in the $3.5 billion funding amount is $1.6 billion for crop loss disaster assistance, $490 million for livestock assistance, $473 million for dairy assistance and $80 million for the Emergency Conservation Program. Also, the crop loss disaster assistance includes the following three areas: general crop assistance, quality loss assistance, and a category for severe economic disaster assistance. These funds should provide much needed additional help for Nebraska producers.

This Member is pleased that the conference report for H.R. 4461 provides $462,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In the first six years of funding, MAFMA has directed $2,142,317 toward a research competition at the 12 universities. Projects must receive matching funds. Over the first six years, matching funds of $2,666,129 plus in-kind contributions of $625,407 were received for MAFMA funded projects from 105 companies or organizations. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes $200,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing worldwide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities before marketing. The Midwest Advanced Food Manufacturing Alliance can provide the necessary

cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes $200,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are directed to state, Federal, regional and tribal governments that are involved in drought and water supply planning.

In addition, the conference report provides funds for the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	$24,000
Non-food agricultural products	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	822,000

Also, this Member is pleased that the conference report for H.R. 4461 includes $100 million to cover any defaults for the Section 538, a rural rental multi-family housing loan guarantee program initiated by legislation written by this Member. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100 percent Federal guarantee on the loans they make. Unlike the current Section 515 Direct Loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the Section 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Speaker, this Member especially appreciates the Conference Committee's support for the Department of Agriculture's 502 very successful and rapidly expanding Unsubsidized Loan Guarantee Program with a $3.7 billion loan authorization support. The program, also initiated by legislation authored by this Member, has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30 year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Additionally, this Member supports the provision allowing for the reimportation of prescription drugs. I have long been a supporter of legislation that would inject competition into the prescription drug market and believe that this language is an important first step in providing my constituents with the relief they seek in their prescription drug prices. There has been massive international cost-shifting by pharmaceutical companies onto the backs of the American consumer. It is not reasonable that the same Federal Drug Administration (FDA)-approved drug, produced by the same drug company, should cost 30 percent, 40 percent, 60 percent or even 80 percent less in foreign countries than it costs American consumers. This legislative initiative, with consumer safety an important consideration, undoubtedly will need refinement before the lengthy FDA regulatory process is completed to implement these provisions, but this is an important and necessary change.

In closing, Mr. Speaker, this Member urges his colleagues to support the Agriculture appropriations conference report.

Mr. NETHERCUTT. Mr. Speaker, I am proud of the progress we have made this year in our effort to lift unilateral food and medicine sanctions. Title IX of the Fiscal Year 2001 Agriculture Appropriations Conference Report, the Trade Sanctions Reform and Export Enhancement Act, will open up significant new export markets for American farmers. This provision is the result of hard work by many Members and the unfailing support of a broad coalition that refused to let this issue fade into obscurity in the waning days of this session.

The overall purpose of this title is unmistakable—unilateral food and medicine sanctions are eliminated and new procedures are established for the future consideration of such sanctions. As the author of this provision, I would like to briefly outline Congressional intent, to ensure that agencies charged with implementing this legislation fully appreciate the expectations of the Agriculture Appropriations conferees.

In drafting this provision, it was not our intention to derogate from current law or the flexibility provided for in present regulations which do permit limited exports to some unilaterally sanctioned states. Similarly, the intent of conferees is to expand export opportunities for food and medicine beyond that currently provided for in law or regulations. We expect that regulations implementing this provision will liberalize the current administrative procedures for the export of food and medicine.

A section by section explanation follows:

Section 901—Title

This section contains the title of the Act.

Section 902—Definitions

Definitions in the section are broadly drawn to allow maximum benefit to exporters of agricultural commodities and medicine and medical products. Non-food commodities are included in the definition of ''agricultural commodities'' and as Section 775 further clarifies, for purposes of administering Title IX of this Act, the term ''agricultural commodity'' shall also include fertilizer and organic fertilizer. ''Medical device'' and ''medicine'' should be interpreted reasonably to mean all products commonly understood to be within these categories, as explicitly recognized by the Federal Food, Drug and Cosmetic Act, and including products such as crutches, bandages and other medical supplies.

Section 903—Restriction

This section prohibits the President from imposing unilateral agricultural or medical sanctions without the concurrence of Congress in the form of a joint resolution. The President shall terminate any unilateral agricultural and medical sanction that is in effect as of the date of enactment, though Section 911 provides a 120 day waiting period to allow the implementation of appropriate regulations.

Section 904—Exceptions

This section provides a number of exceptions to Section 903 to ensure that the Administration has sufficient flexibility to impose or continue to impose sanctions in unusual instances. While seven particular exceptions are provided, they are narrowly drawn, in recognition of the conferees' expectation that food and medicine sanctions should only be used in extraordinary circumstances. Further, these exceptions should not be used to impose sanctions permanently, consistent with Section 905. Conferees expect that the President will abide by the spirit of the language and submit for Congressional review all sanctions to be imposed under this section, unless extraordinary circumstances require extremely timely action.

Section 905—Termination of Sanctions

This section provides for a sunset of any food or medicine sanctions imposed under Section 903, not later than 2 years after the date the sanction become effective. Sanctions may be maintained only if the President recommends to Congress a continuation of not more than 2 years, and a joint resolution is enacted in support of this recommendation.

Section 906—State Sponsors of International Terrorism

This section requires licenses for the export of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined to be a state sponsor of international terrorism, or any other entity in such country. These licenses shall be provided for a period of not less than 12 months and shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of Treasury. While this section provides the Administration with flexibility to determine licensing requirements, it is the expectation of conferees that presumption in favor of sales will fall on the side of exporters, consistent with the title of the act, to support enhanced exports. Consistent with this expectation, it is the understanding of the author that the Department of Commerce would be the lead agency for all exports and related transactions under this title, all of which would be subject to a general licensing arrangement. In the case of exports to Cuba, it is the understanding of author that current restrictions on shipping to Cuba will continue to be waived for licensed exports. Exports to the Government of Syria and the Government of North Korea are expected from the licensing requirements of this section, and to the extent a private sector emerges in either country, these entities should receive the same treatment.

The section also requires that procedures be in place to deny exports to any entity within such country promoting international terrorism. This language is only intended to give the Administration narrow discretion in the granting of licenses for exports to specific sub-entities that are directly involved in the promotion of terrorism.

Finally, the section requires quarterly and biennial reports on licensing activities to determine the effectiveness of licensing arrangements.

Section 907—Congressional Procedures

This section requires that a report submitted by the President under Section 903 or 905 shall be submitted to the appropriate committee or committees of the House of Representatives and the Senate. A joint resolution in support of this report may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

Section 908—Prohibition on United States Assistance and Financing

Section 908(a)(1) prohibits the use of United States government assistance and financing for exports to Cuba. However, consistent with the overall intent of the measure, this prohibition is not intended to modify any provision of law relating to assistance to Cuba. The provision also restricts the use of government assistance for commercial exports to Iran, Libya, North Korea, and Sudan, unless the President waives the restrictions for national security or humanitarian reasons. In recent months, the Administration has taken several steps to liberalize these and other restrictions on agricultural trade with Iran, Libya, North Korea, and Sudan. As such, it will be in the best interest of U.S. agricultural producers and our balance of trade if the President uses the waiver authority in subsection (a)(3) to promptly waive these restrictions before the current sanctions are lifted 120 days after enactment of this bill. If the President's waiver authority is not so promptly exercised, the restrictions in subsection (a)(1) could act to restrict exports of agricultural commodities, medicines, and medical devices to these countries more than under current law. This is certainly not the intent of this legislation.

Specifically with regard to Cuba, subsection (b) of section 908 prohibits the financing of U.S. agricultural exports to Cuba by any United States person. However, in order to accommodate sales of agricultural commodities to Cuba, subsection (b) specifically authorizes Cuban buyers to pay U.S. sellers by cash in advance, or by utilizing financing through third country financial institutions.

While they cannot extend financing to Cuban buyers, U.S. financial institutions are specifically authorized to confirm or advise letters of credit related to the sale that are issued by third country financial institutions. Under this procedure, third country financial institutions can assume the Cuban risk associated with these transactions and issue letters of credit free of Cuban risk to be confirmed by U.S. banks. The provision of such a ''firewall'' against sanctioned country risk is consistent with the role played by third country banks in transactions with other countries subject to U.S. sanctions.

U.S. financial institutions may act as exporters' collection and payment agents, confirm the third country letters of credit, and guarantee payment to the U.S. exporter. The provision of such export-related financial services by U.S. financial institutions (commercial banks, cooperatives, and others) will allow U.S. farmers, their cooperatives, and exporters to be assured that they will be paid for exported commodities.

Subsection (b)(3) of section 908 requires the President to issue such regulations as are necessary to carry out this section. In addition to waiving the restrictions on assistance as appropriate under subsection (a)(3), these regulations need to facilitate the export of agricultural commodities, medicine, and medical devices. In particular, the regulations need to accommodate these specifically authorized exports by waiving the restrictions with respect to vessels engaged in trade with Cuba found at 31 C.F.R. 515.207.

Section 909—Prohibition on Additional Imports from Cuba

Section 909 reiterates 31 C.F.R. 515.204 prohibiting from entry into the United States any merchandise that is of Cuban origin, has been transported through Cuba, or is derived from any article produced in Cuba.

Section 910—Requirements Relating to Certain Travel-Related Transactions With Cuba

This section requires the Secretary of Treasury to promulgate regulations to authorize travel to, from, or within Cuba for the commercial export sale of agricultural commodities. Aside from this expansion in permissible travel transactions, tourist activities in Cuba are not authorized.

Section 911—Effective Date

This title shall take effect on the date of enactment and apply thereafter in any fiscal year. Unilateral agricultural or medical sanctions in effect as of the date of enactment shall be lifted 120 days after enactment.

Mr. CANNON. Mr. Speaker, I am pleased to support the FY 01 Department of Defense bill. Passage of this legislation is vital to our military readiness and security. I want to extend my utmost appreciation to our Chairman for his work on this legislation and to the staff that contributed countless hours to ensure its completion. In addition to the crucial ongoing military operations included in this bill, there is a provision that will significantly aid the Moab, Utah community in my district of southeastern Utah.

We have our colleagues speak on this provision and I just want to add my support to its inclusion. For years, the Grand County Council and the people of Moab, Utah have been working to get the federal government to clean up the ten and a half million ton pile of uranium mill tailings that was the byproduct of our extensive military buildup during the Cold War.

With the help of many of our colleagues from downstream states, including members of this Committee such as JIM HANSEN, DUNCAN HUNTER, and BOB STUMP, we were able to include language to ensure that clean up and removal of this pile will begin and be completed in a timely, safe and scientific manner. This committee has done an excellent job in addressing concerns of the many stakeholders and I know that my constituents are anxious to see the long awaited clean up begin.

Again, I want to thank Mr. SPENCE for his work and I wish I had the opportunity to personally thank Mr. Bateman. Utah shall forever be indebted to the gentleman from Virginia for his commitment to help preserve, protect and clean up one of our most beautiful areas of the country.

Mr. FRELINGHUYSEN. Mr. Speaker, I want to discuss for a moment the provisions in the Conference Report on the Agriculture Appropriations Act for Fiscal Year 2001 that deal with ''drug reimportation.''

First and foremost, I want the record to reflect that I, like my colleagues on both sides of the aisle, support a comprehensive plan to provide prescription medicines at more affordable prices to our senior citizens under Medicare. When Medicare was first created in 1965, prescription medicines were not a major part of our health care delivery system. Thanks to all the incredible medical breakthroughs over the past decades since the inception of the Medicare program, we now have medicines that can successfully treat thousands of the most serious illnesses and provide relief to millions of citizens suffering from illness. It is time to modernize Medicare to reflect the fact that prescription medicines are a major part of health care for all of our citizens, especially older men and women.

This hastily written legislation that will open our borders to imported drugs, however well intentioned, cannot be considered an adequate substitute for a comprehensive prescription drug coverage for our seniors under Medicare. These reimportation provisions are bad public policy: potentially endangering U.S. citizens by exposing them to ''reimported'' medicines that may be bogus or fake, outdated and untested. Secondly, it should be clear that nothing in these provisions change existing patent laws. In fact, the United States led the negotiations of the WTO Agreement on Trade-Related Intellectual Property Rights (TRIPs), which gives a patent owner of a product exclusive rights to make, use or import a patented product. No one else can do so without permission for the term of the patent and nothing in this bill should be construed otherwise.

Most important, I remain particularly concerned that this legislation might very well undermine our nation's Food and Drug Administration ''gold standard'' for ensuring the quality and safety of all medicines used by U.S. citizens and other consumers around the world.

In that respect, I am pleased by the fact that the FDA must overcome necessary safety hurdles before this legislation is implemented. For instance, the drug reimportation provisions of this conference report, specifically section 745, will not go into effect until two important actions are taken. First, the Secretary of Health and Human Services must demonstrate to the Congress that loosening current regulation of reimportation of prescription drugs will not place American consumers at risk. I want to emphasize that the demonstration of safety by the Secretary should be no ''pro forma'' paper exercise, but a real showing, with facts and figures, in the form of a report to Congress, that the kind of importation envisioned by these provisions is safe for consumers. If the Secretary cannot make this demonstration, these provisions cannot be implemented. Second, the Secretary must also demonstrate that individual consumers will realize a significant cost reduction from this legislation, making their drug purchases significantly more affordable for them, before it can be implemented.

Now that Congress has acted, it is up to the FDA and the next Administration to ensure this policy can save consumers money, without threatening the world's highest standard of safety of America's medicines for our consumers.

Mr. HALL of Ohio. Mr. Speaker, I rise to add my voice to those who will be speaking about this rule and the Agriculture Appropriations bill. But unfortunately there will be many voices that are not heard today—the voices of the 31 million Americans who are threatened by hunger even in the midst of our unprecedented prosperity.

I wish I did not have to bother my colleagues by talking about hunger again. I wish that I could be here announcing that we had

mustered the political and spiritual will and finally eradicated hunger. I wish that we could turn our collective attention to other pressing problems. Unfortunately, Mr. Speaker, I have to stand on this floor yet again to urge this body to do better on issues of hunger.

That said, I want to thank my colleagues, Representatives YOUNG, SKEEN, OBEY, WALSH, DELAURO and HINCHEY for their work in the conference committee to make sure that the hungry were not forgotten. Specifically, they worked to include provisions of the Hunger Relief Act in this bill. I especially want to thank Ranking Member KAPTUR and Representative EMERSON for their efforts on behalf of the hungry.

It is a triumph that food stamp recipients will now be able to own a reliable car and pay high shelter costs. I want to particularly commend the coalition of anti-hunger groups that came together in gathering support for this bill—Bread For the World, RESULTS, FRAC, America's Second Harvest, the Food Policy Working Group, the National Immigration Law Center and the other 1,400 groups that endorsed the Hunger Relief Act. I especially want to thank Lynette Engelhardt Stott and Barbara Howell of Bread For the World, Ellen Teller and Ellen Vollinger of FRAC and Derek Miller of RESULTS for their tireless efforts in bringing us to this point.

While I am happy that these provisions are included, I am disappointed that we did not include the other titles of the bill that would have restored food stamp eligibility to legal immigrants and provided additional resources for our country's food banks through the TEFAP program. TEFAP provides the network of feeding programs around the nation with a reliable supply of nutritious commodities. It also directly benefits our farmers and food processors by providing them with an additional market for their products. I am still hopeful that those items will be included in our final omnibus bill.

This bill also provides $34.1 billion for domestic nutrition programs including food stamps, the school lunch and breakfast programs, WIC, Meals on Wheels and other commodity assistance programs. This is $2 billion less than the president requested and almost $1 billion less than what we provided last year. While most of that savings is due to a drop in food stamp participation, that does not mean that there has been a corresponding drop in hunger and food insecurity.

Additionally, the underlying bill provides almost $1 billion in humanitarian food aid for those in need overseas. While this equals the request and exceeds last year's total, it is still woefully inadequate in meeting the needs of the hungry around the world. I am proud that the United States, through the Food for Peace Program, was able to help avert famine in Ethiopia. I just visited the Horn of Africa last month and was glad I did not see as many children starving as would have without our timely assistance. I am also pleased to report that our food aid has prevented more people from dying of famine in North Korea and that Japan and South Korea are finally acting to assist their neighbor in need.

As we all know, this measure also provides for the sale of food and medicine to Cuba and other rogue nations. I am thrilled that Congress is reaffirming the belief that food should never be used as a weapon. President Reagan said it best, ''a hungry child knows no politics.'' We should continue to uphold that principle and this provision moves us closer to that goal.

The other controversial measure in this bill involves the reimportation of prescription drugs. Many of my colleagues will address our sides' specific concerns with this provision. But allow me to conclude with a couple of stories that I have shared before but that illustrate the importance of this issue and all that I have said today.

A few months ago, I met Darryl and Martha Wagner in Appalachian Ohio. They depend on Social Security and retirement for their meager $1,000 per month. She has cancer and her treatment and medication consume much of their income. Her doctor was concerned about whether she was getting enough to eat. By the time a food pantry outreach worker reached them, neither had eaten anything for three days. They had tried to do everything by the book and they were still hungry.

Another woman from southeastern Ohio, Priscilla Stevens, has lupus and MS and is required to take 26 medications every day. She receives only $258 each month and relies on Medicaid for her very life. I never got a chance to meet Tom Nelson in West Virginia. He died from a heart attack last year. You see, he had high blood pressure and needed medication to keep it under control. He had to choose between filling his refrigerator and filling his prescription. Sadly, he made the wrong choice when he decided to skip his drugs and eat instead.

Mr. Speaker, I am sorry that I have to keep talking about issues of hunger. This bill makes some strides toward fighting hunger. But we could do so much more, especially now. I look forward to the day when Congress makes ending hunger a top priority.

Mr. STARK. Mr. Speaker, I rise to address the reimportation provisions of the FY 2001 agriculture appropriations legislation that is before the House today. In recent weeks, these provisions have been the subject of considerable controversy: Some Members have asserted that allowing wholesalers to reimport FDA-approved pharmaceuticals will essentially solve the problem of overpricing, while others say the practice will expose U.S. consumers to unsafe products. Some argue that the legislation is so riddled with loopholes as to be useless, while others believe the final compromise is workable.

The bill is an attempt to address obscenely high drug prices. But it is far too limited in its approach, because it assumes that wholesalers reimporting prescription drugs will do so at prices that are affordable for the 15 million seniors and disabled Americans who do not have any form of insurance to cover the cost of their medications.

This is a flawed assumption. There is no guarantee that the ''middlemen'' in this bill will actually pass along substantial drug discounts to consumers who need them. And the bill's loopholes will allow pharmaceutical companies to keep drug prices inflated through restrictive contracts and control of FDA-required labels.

What seniors clearly need above all else is a Medicare drug benefit. Democrats support legislation, H.R. 4770, to guarantee comprehensive drug coverage to any senior who wants to sign up. It guarantees that all prescriptions written by any qualified physician can be filled at any pharmacy of the beneficiary's choice at a price that is affordable. We can pass such a bill this year. It is a travesty that the Republican leadership refuses to do so.

In fact, Republicans have gone to enormous lengths to block efforts to enact a Medicare drug benefit. Instead, they push a temporary state program that would help only the poorest, and private ''drug-only'' plans that insurers say they will never sell to seniors.

Meanwhile, the pharmaceutical industry and its phony front groups are spending millions to try to ensure that no legislation providing affordable prescription drugs to seniors is seriously considered. Regrettably, these efforts have served to seriously weaken the reimportation provisions in H.R. 4461 that we are voting on today.

If all we're going to accomplish is a relaxation of reimportation restrictions, there is still a better solution than the one before us today. I introduced last month, the Medicare Prescription Drug Internet Access Act of 2000 (H.R. 5142). It would allow beneficiaries to purchase safe, FDA-approved medications from U.S. and international suppliers at the lowest possible prices through an Internet site administered by Medicare. This means that Medicare beneficiaries would have guaranteed access to lower drug prices from a safe, certified-reliable source.

Here's how it works: All a beneficiary, doctor, or a pharmacy serving a beneficiary would need to do is click on Medicare's home page and type in a prescription. The result would be a display of the five lowest prices for the medicine in question and its availability from domestic and international suppliers. Beneficiaries would choose one and submit their prescription to the Internet pharmacy, receiving their medicine at the price selected through the mail, by express delivery, or at their local retail pharmacy.

The only medicine that Internet pharmacies contracting with Medicare would be able to sell is FDA-approved medicine manufactured in FDA-approved facilities. Internet pharmacies, under this bill, would only be able to import prescription medicine from approved companies that have been inspected by the FDA.

As an added precaution, Internet pharmacies would be required to display a Medicare Seal of Approval, which serves to authenticate the website. The seal would directly link to a secure webpage operated by the Medicare contractor to verify the Internet pharmacy's legitimacy.

These precautions would address problems that exist today with phony websites pawning counterfeit medicine to unsuspecting people. This bill addresses the issue of so-called ''rogue'' websites. It establishes a uniform set of criteria to which contracting Internet pharmacies must adhere or face criminal and financial consequences. Among other criteria, Internet pharmacies would have to be licensed in all 50 states as a pharmacy, fully comply with State and Federal laws, and only dispense medicine with a valid prescription through a licensed practitioner.

The bill I have just described will not be enacted this year. Nor is it a full-blown solution for the problems created by eroding insurance coverage for prescription drugs and accelerating drug price increases. Again, revising reimportation rules is one way to make prescription drugs more widely available at affordable prices. But today's bill falls far short of what is necessary to attain that goal. And, it ignores the real need of America's seniors—a Medicare drug benefit that is available and affordable for all.

Mr. GREENWOOD. Mr. Speaker, I rise today in support of the Agriculture Appropriations bill, but want to specifically address the provisions regarding reimportation of prescription drugs, section 745 and 746. As a Member of the Commerce Committee, which has jurisdiction over this issue, I am glad two provisions were included to ensure the safety of consumers, and that savings are passed along to customers.

First, we must be sure that nothing in these provisions compromises the health or safety or the American public in any way. Section 745 requires the Secretary of Health and Human Services to demonstrate in a written report to Congress that implementation of the amendment will pose no risk to the public, before the legislation can become effective. This demonstration requirement is no paper tiger. We expect the Secretary to make detailed factual findings and to submit a report supporting the demonstration, if indeed the Secretary can make it at all. The demonstration must be based on a detailed explanation that the Food and Drug Administration has the resources to enforce all of the requirements of the Federal Food, Drug, and Cosmetic Act against each and every one of these drug products as they arrive at our borders. If FDA cannot do this, the demonstration cannot be made, and these provisions cannot be implemented.

Through the hard work of the House Commerce Committee in previous Congresses, we have established a precedent for ensuring that Americans have access to safe and effective prescription drugs. Any attempt to under-mine this system by lowering these standards is not acceptable.

Second, this legislation sets a condition that before it is implemented, the Secretary must demonstrate that it will result in a cost reduction to American consumers. If the result of reimportation profits only middlemen, and not individual consumers, we will have done little to extend affordable prescriptions to our constituents.

In my view, these two determinations are bare minimum essentials that must be in place before this legislation is implemented. We must be vigilant in ensuring that American consumers are not threatened or put at risk in any way by the prescription drugs that come into this country under these provisions.

Mr. STUPAK. Mr. Speaker, I rise in support of the Conference Report on the Agriculture Appropriations bill for Fiscal Year 2001. I would like to commend the conferees and all the appropriators for their hard work on this bill, and to thank them for funding several important projects in my district.

This legislation recognizes the threat bovine tuberculosis poses to Michigan and provides funds to begin eradicating the disease in Michigan and throughout the country. Bovine tuberculosis is wreaking havoc on dairy and beef cattle in my state. Already, 10 Michigan herds have tested positive for the disease as have several deer and other animals. To complicate matters, USDA responded by downgrading Michigan's bovine TB status. Because of this downgrade, Michigan's economy is expected to lose $156 million during the next ten years.

While much work remains to be done, I am encouraged by the funding provided in this legislation to combat bovine TB in Michigan. It is my hope that this effort will begin the process of restoring Michigan to bovine TB-free status. I am committed to helping the farmers of my district and I hope that this research and reimbursement funding will bring them much-needed relief.

Secondly, I support this legislation because it provides funding for the Forestry Incentives Program. While this earmark is small, equaling the spending for Fiscal Year 2000, the Administration had not requested funds in its Fiscal Year 2001 budget nor had the House appropriated funds in its Agriculture spending bill. The Forestry Incentives Program provides cost-share funds to private landowners for tree planting and timber stand improvement. Through these efforts, we are able to keep our forests healthy and sustainable.

Finally, I am pleased that the conferees retained a portion of the important increase in funding to the USDA senior meal reimbursements that had been added by the Stupak-Boehlert amendment to the House Agriculture appropriations bill. Our amendment provided $160 million for USDA's Nutrition Program for the Elderly, a $20 million increase over the amount provided in the bill. Senior meal providers and the countless seniors that depend on senior meals will be greatly benefitted by the $10 million increase that the conferees retained. This increase will halt the steady decline of the USDA meal reimbursements that have gone down to their current rate of $.54 per meal for fiscal year 2000, a drop of eight cents since 1993.

The increase in USDA reimbursements is essential, and will benefit every senior meal provider in every town, city and state in the form of more money for each meal provided. I urge the House to continue in the future the effort to increase this crucial aid to senior meal providers. I am also submitting for the record letters in support of the increase in funding from the National Association of Nutrition and Aging Services Programs, the Meals on Wheels Association of America, and the Senior Citizens League. These organizations were invaluable in moving this issue forward. I would also like to thank National Council of Senior Citizens and the National Association of State Units on Aging for their work on promoting our amendment.

I submit the following letters into the RECORD.

MEALS ON WHEELS
ASSOCIATION OF AMERICA,
Alexandria, VA, October 11, 2000.

Hon. BART STUPAK,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE STUPAK: On behalf of the Meals On Wheels Association of America's (MOWAA) nearly 900 member programs nationwide and the hundreds of thousands of older Americans whom they serve, I want to thank and commend you and Representative Sherwood Boehlert for sponsoring an amendment to H.R. 4461, the Department of Agriculture Appropriations bill, to provide an additional $20 million in funding for the Nutrition Program for the Elderly (NPE). We were delighted when the House passed your amendment, and we are pleased that the Conferees agreed to include $10 million of that increase in the final Conference bill.

As you are aware, Congress appropriated $150 million for the program in fiscal year 1996, but the appropriation was reduced by $10 million to $140 million in FY 1997, and it has remained at that level for several fiscal years. The Conferees' actions, when approved by both chambers, will bring funding for the program back to the FY 1996 level.

Few programs can boast the importance to the elderly, as well as the overwhelming success, that the Elderly Nutrition Program can. Senior nutrition programs have become the lifeline for millions of older Americans. There are few communities within the country where a senior nutrition program does not exist. These meal programs are as diverse as the communities in which they are located and the individuals they serve. At the same time, they share a common commitment to serving the nutritional needs of a growing number of older Americans. They also share a common problem—extremely limited resources. The funds and commodities furnished through the Department of Agriculture's NPE are vital to these programs. The $10 million increase over current levels is critically important in enabling these programs to continue serving the needs of our frailest and neediest citizens.

As you are aware, USDA Nutrition Program for the Elderly funds are provided to meal programs according to a per meal reimbursement rate. The rate has dropped over the past years from $.6206 in FY 1993 to $.5404 in the current fiscal year. Without a substantial increase in the appropriation level, the rate can be expected to continue to drop.

To put the issue in perspective, let me furnish an example from one rural meal program. A rural program that served 225,000 meals annually, and which received 20 percent of its budget from USDA funds, lost funding for 2,000 meals as a result of the per meal reimbursement reduction of a mere $.0007 in one fiscal year (from $.5864 in FY 1996 to $.5857 in FY 1997). Those 2,000 meals, of course, represent critical and life-sustaining nutrition for at-risk seniors. And the experience of that one meal program was multiplied thousands of times over across the nation. You can imagine the impact that the $.0802 reduction from FY 1993 to FY 2000 has had on meal programs—and needy, hungry seniors—throughout the country.

Because America's elderly population continues to be fastest growing segment of the population, demands on nutrition programs for the elderly are increasing. The most comprehensive national study to be conducted in recent years found that 41 percent of home-delivered meal programs had waiting lists. The relatively small investment of an additional $10 million that your amendment made possible will pay substantial dividends in helping target malnutrition and isolation in the elderly, improving their nutritional and health status and enabling many seniors to stay in their homes.

The Meals On Wheels Association of America urges the full House to approve conference bill, which will increase funding for the USDA Nutrition Program for the Elderly

by $10 million over the FY 2000 level. We thank you again on behalf of all our member programs and the many needy seniors for whom this increase will mean a hot, nutritious meal, perhaps the only food of the day.

Sincerely,

MARGOT L. CLARK,
President.

SENIOR CITIZENS LEAGUE,
Alexandria, VA, October 11, 2000.

Hon. BART STUPAK,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE STUPAK: On behalf of the 1.5 million members and supporters of The Senior Citizens League (TSCL), many whom are dependent on various senior meal programs for their livelihood, are grateful to you and Rep. SHERWOOD BOEHLERT for your efforts to increase the per-meal reimbursement rate. This action was absolutely necessary to insure the continued availability of nutritional and health programs for older Americans who desperately need them for survival.

Your actions have sent a strong message to America's elderly that Congress recognizes and reacts to their needs. TSCL doubts that without your persistence on the topic, the situation being faced by senior meal providers would have been recognized, much less acted upon. Many thanks from TSCL and, in particular, the 4,690 TSCL members who reside in Michigan's 1st Congressional District, for your personal efforts and the contributions of your outstanding staff.

Sincerely,

MICHAEL F. OUELLETTE,
Director of Legislative Affairs.

NATIONAL ASSOCIATION OF NUTRITION AND AGING SERVICES PROGRAMS,
Washington, DC, October 11, 2000.

Hon. BART STUPAK,
House of Representatives, RHOB, Washington, DC.

DEAR CONGRESSMAN STUPAK: The National Association of Nutrition and Aging Services Programs (NANASP), representing the interests of congregate and home delivered meal programs for the elderly in your state and across the nation, supports the Conference Report to accompany H.R. 4461.

We wish, in particular, to commend the Conference Committee for maintaining the provision to increase funding for the USDA's Elderly Feeding Program (NPE) by $10 million. By increasing the funding for the program, you prevent disruption to meal programs that prove so vital to seniors and provide a little stability on the local level, which is important to the meal providers.

NANASP also commends you, Congressman Stupak, for taking leadership on this issue. We would have preferred the $20 million increase offered by your amendment and hope we can work with you next year to revisit this matter. We know that you recognize this as a strong investment in maintaining the good health of this nation's seniors. Nutrition is a preventive service that keeps seniors in their homes and communities rather than facing more costly institutionalization.

We thank you and Conference Committee for recognizing the value and effectiveness of this program and hope it will be provided this modest increase for FY 2001.

Sincerely,

JAN BONINE,
President.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I support this conference agreement and its Continued Dumping Offset provision. The language in the amendment is the same as that in H.R. 842, a bill introduced by my distinguished colleague from Ohio, Mr. REGULA, and to which I and 63 other members of the House are currently cosponsors.

The rationale behind the amendment is simple: Where internationally recognized unfair trade practices cause harm to our producers and workers, effective relief is promised. The amendment included in the conference package would reduce the adverse effect of continued dumping or subsidization by distributing the monies finally assessed to the injured industry. It is hoped that the knowledge that continued unfair trade practices will result in monies going to the injured and encourage those engaging in the continued unfair trade practices to trade fairly.

In my district and my state, I have witnessed first-hand what can happen to companies and jobs when unfair trade practices distort the market conditions. In one important industry, bearings, continued dumping has gone on uninterrupted for more than a decade. Companies who operate under constant conditions of depressed prices are not able to maintain investments, employment levels or compensation levels even if they are highly competitive at the beginning of the process. Similar experiences exist for many other industries where continued dumping or subsidization has gone on.

I urge my Republican and Democratic colleagues to support this conference agreement and the Continued Dumping Offset provision.

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

The SPEAKER pro tempore (Mr. NUSSLE). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

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

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

The vote was taken by electronic device, and there were—yeas 340, nays 75, not voting 18, as follows:

[Roll No. 525]

YEAS—340

Abercrombie
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—75

Ackerman
Andrews
Berkley
Berman
Blumenauer
Boehner
Carson
Chabot
Chenoweth-Hage
Clyburn
Coburn
Conyers
Cox
Crane
Crowley
Davis (IL)
Davis (VA)
DeMint

Dingell	Markey	Sanford
Doggett	McCrery	Scarborough
Filner	McDermott	Schaffer
Frelinghuysen	McKinney	Schakowsky
Gejdenson	Metcalf	Sensenbrenner
Goss	Miller, George	Shadegg
Hefley	Moran (VA)	Shays
Hoekstra	Nadler	Sherman
Hostettler	Napolitano	Stark
Istook	Olver	Sununu
Jackson (IL)	Owens	Tancredo
Johnson, Sam	Paul	Tierney
Kasich	Payne	Toomey
Kleczka	Pelosi	Towns
Kolbe	Rangel	Upton
Lantos	Rohrabacher	Waters
Largent	Roukema	Waxman
Lee	Royce	Weiner
Lofgren	Salmon	Weldon (FL)

NOT VOTING—18

Archer	Franks (NJ)	Miller (FL)
Burr	Hunter	Myrick
Campbell	Klink	Neal
Coble	McCollum	Pastor
Eshoo	McIntosh	Spratt
Frank (MA)	Meehan	Wise

□ 1652

Messrs. McDERMOTT, RANGEL, OLVER, CROWLEY and TIERNEY changed their vote from ''yea'' to ''nay.''

Mrs. JONES of Ohio and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1700

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Commerce and the Committee on Education and the Workforce be discharged from further consideration of the Senate bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1809

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

Sec. 101. Findings, purposes, and policy.
Sec. 102. Definitions.
Sec. 103. Records and audits.
Sec. 104. Responsibilities of the Secretary.
Sec. 105. Reports of the Secretary.
Sec. 106. State control of operations.
Sec. 107. Employment of individuals with disabilities.
Sec. 108. Construction.
Sec. 109. Rights of individuals with developmental disabilities.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

Sec. 121. Purpose.
Sec. 122. State allotments.
Sec. 123. Payments to the States for planning, administration, and services.
Sec. 124. State plan.
Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
Sec. 126. Federal and non-Federal share.
Sec. 127. Withholding of payments for planning, administration, and services.
Sec. 128. Appeals by States.
Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

Sec. 141. Purpose.
Sec. 142. Allotments and payments.
Sec. 143. System required.
Sec. 144. Administration.
Sec. 145. Authorization of appropriations.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Sec. 151. Grant authority.
Sec. 152. Grant awards.
Sec. 153. Purpose and scope of activities.
Sec. 154. Applications.
Sec. 155. Definition.
Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

Sec. 161. Purpose.
Sec. 162. Grant authority.
Sec. 163. Authorization of appropriations.

TITLE II—FAMILY SUPPORT

Sec. 201. Short title.
Sec. 202. Findings, purposes, and policy.
Sec. 203. Definitions and special rule.
Sec. 204. Grants to States.
Sec. 205. Application.
Sec. 206. Designation of the lead entity.
Sec. 207. Authorized activities.
Sec. 208. Reporting.
Sec. 209. Technical assistance.
Sec. 210. Evaluation.
Sec. 211. Projects of national significance.
Sec. 212. Authorization of appropriations.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Reaching up scholarship program.
Sec. 304. Staff development curriculum authorization.
Sec. 305. Authorization of appropriations.

TITLE IV—REPEAL

Sec. 401. Repeal.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;

(2) in 1999, there are between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an increasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

SEC. 102. DEFINITIONS.

In this title:

(1) AMERICAN INDIAN CONSORTIUM.—The term ''American Indian Consortium'' means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) AREAS OF EMPHASIS.—The term ''areas of emphasis'' means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term ''assistive technology device'' means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term ''assistive technology service'' means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) CENTER.—The term ''Center'' means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) CHILD CARE-RELATED ACTIVITIES.—The term ''child care-related activities'' means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) CULTURALLY COMPETENT.—The term ''culturally competent'', used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL.—The term ''developmental disability'' means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) EARLY INTERVENTION ACTIVITIES.—The term ''early intervention activities'' means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) EDUCATION ACTIVITIES.—The term ''education activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) EMPLOYMENT-RELATED ACTIVITIES.—The term ''employment-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term ''family support services'' means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family's role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) SPECIFIC SERVICES.—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) HEALTH-RELATED ACTIVITIES.—The term ''health-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) HOUSING-RELATED ACTIVITIES.—The term ''housing-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) INCLUSION.—The term ''inclusion'', used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) INDIVIDUALIZED SUPPORTS.—The term ''individualized supports'' means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual's environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

(iv) family support services;

(v) supported employment services;

(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) INTEGRATION.—The term ''integration'', used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) NOT-FOR-PROFIT.—The term ''not-for-profit'', used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) PERSONAL ASSISTANCE SERVICES.—The term ''personal assistance services'' means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual's control in life and ability to perform everyday activities, including activities on or off a job.

(20) PREVENTION ACTIVITIES.—The term ''prevention activities'' means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) PRODUCTIVITY.—The term ''productivity'' means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established in accordance with section 143.

(23) QUALITY ASSURANCE ACTIVITIES.—The term ''quality assurance activities'' means advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) RECREATION-RELATED ACTIVITIES.—The term ''recreation-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) REHABILITATION TECHNOLOGY.—The term ''rehabilitation technology'' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

(26) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(27) SELF-DETERMINATION ACTIVITIES.—The term ''self-determination activities'' means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) STATE.—The term ''State'', except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.—The term ''State Council on Developmental Disabilities'' means a Council established under section 125.

(30) SUPPORTED EMPLOYMENT SERVICES.—The term ''supported employment services'' means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) TRANSPORTATION-RELATED ACTIVITIES.—The term ''transportation-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) UNSERVED AND UNDERSERVED.—The term ''unserved and underserved'' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

SEC. 103. RECORDS AND AUDITS.

(a) RECORDS.—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) PROGRAM ACCOUNTABILITY.—

(1) IN GENERAL.—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2000.

(2) AREAS OF EMPHASIS.—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) INDICATORS OF PROGRESS.—

(A) IN GENERAL.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) PROPOSED INDICATORS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

(C) FINAL INDICATORS.—Not later than October 1, 2000, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

(D) SPECIFIC MEASURES.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS.—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2001 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2000.

(b) TIME LINE FOR REGULATIONS.—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) COMPOSITION.—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) DUTIES.—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) MEETINGS.—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individuals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a ''Council'') in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need,

of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO $70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $210,000; and

(ii) to any State not described in clause (i) may not be less than $400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF $70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than $70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $220,000; and

(ii) to any State not described in clause (i) may not be less than $450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount.

(2) TIMING.—The Secretary may make such a reallotment from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallotment in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallot the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallot the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOTMENT OF REDUCTIONS.—The Secretary shall similarly reallot the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) TREATMENT.—Any amount reallotted to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) STATE PLAN EXPENDITURES.—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) DESIGNATED STATE AGENCY EXPENDITURES.—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

SEC. 124. STATE PLAN.

(a) IN GENERAL.—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) PLANNING CYCLE.—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a Council in accordance with section 125 and describe the membership of such Council.

(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a ''designated State agency'').

(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;

(ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

(iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

(i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

(iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

(iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

(v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

(vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

(vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) PLAN GOALS.—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2001, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) ASSURANCES.—

(A) IN GENERAL.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) USE OF FUNDS.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or $50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) PROGRAM ACCESSIBILITY STANDARDS.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) EMPLOYEE PROTECTIONS.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) STAFF ASSIGNMENTS.—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) NONINTERFERENCE.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated

State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) STATE QUALITY ASSURANCE.—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND APPROVAL.—

(1) PUBLIC INPUT AND REVIEW.—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) PLAN APPROVAL.—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.

(a) IN GENERAL.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council shall have the authority to fulfill the responsibilities described in subsection (c).

(b) COUNCIL MEMBERSHIP.—

(1) COUNCIL APPOINTMENTS.—

(A) IN GENERAL.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) RECOMMENDATIONS.—The Governor shall select members of the Council, at the discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) REPRESENTATION.—The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a–5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

(A) IN GENERAL.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) AUTHORITY AND LIMITATIONS.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (3)—

(A) ⅓ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) ⅓ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) ⅓ shall be a combination of individuals described in paragraph (3)(A).

(6) INSTITUTIONALIZED INDIVIDUALS.—

(A) IN GENERAL.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) LIMITATION.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) COUNCIL RESPONSIBILITIES.—

(1) IN GENERAL.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) EXAMINATION OF GOALS.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) STATE PLAN DEVELOPMENT.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) OUTREACH.—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) TRAINING.—The Council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and

communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2001, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(11) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the

Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

(1) IN GENERAL.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103–230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) DESIGNATION.—

(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) REVIEW OF DESIGNATION.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent advocate is not assured because of the actions or inactions of the designated State agency.

(3) RESPONSIBILITIES.—

(A) IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) FISCAL RESPONSIBILITIES.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

(A) CONDITION FOR FEDERAL FUNDING.—

(i) IN GENERAL.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) EXCEPTION.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) AGGREGATE COST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) STATE PLAN ACTIVITIES.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS AND PUBLIC OR PRIVATE ENTITIES.—

(A) IN GENERAL.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

(a) APPEAL.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) FILING.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) JURISDICTION.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) FINDINGS AND REMAND.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) EFFECT.—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING FOR STATE ALLOTMENTS.—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 $76,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) RESERVATION FOR TECHNICAL ASSISTANCE.—

(1) LOWER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is less than $76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) HIGHER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $76,000,000, the Secretary shall reserve not less than $300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a ''system'') in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) MINIMUM ALLOTMENTS.—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $107,000; and

(ii) to any State not described in clause (i) may not be less than $200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $80,000; and

(ii) to any State not described in clause (i) may not be less than $150,000.

(3) REDUCTION OF ALLOTMENT.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) MONITORING THE ADMINISTRATION OF THE SYSTEM.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than $24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) PAYMENT TO SYSTEMS.—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) UNOBLIGATED FUNDS.—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

SEC. 143. SYSTEM REQUIRED.

(a) SYSTEM REQUIRED.—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental

disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policymakers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term ''record'' includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than ⅓ of the members of the governing board may be appointed by the chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) LEGAL ACTION.—

(1) IN GENERAL.—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) USE OF AMOUNTS FROM JUDGMENT.—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) LIMITATION.—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested

public and private parties. The comments received in response to the public comment solicitation notice shall be included in the on-site visit report.

(e) REPORTS.—Beginning in fiscal year 2001, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated $32,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

(a) NATIONAL NETWORK.—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) NATIONAL TRAINING INITIATIVES.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) TECHNICAL ASSISTANCE.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

(a) EXISTING CENTERS.—

(1) IN GENERAL.—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of $500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) REDUCTION OF AWARD.—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) ADJUSTMENTS.—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) ADDITIONAL GRANTS.—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

(1) population;

(2) a high concentration of rural or urban areas; or

(3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) CORE FUNCTIONS.—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate;

to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.

(a) APPLICATIONS FOR CORE CENTER GRANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) APPLICATION CONTENTS.—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each

of the core functions described in section 153(a).

(3) ASSURANCES.—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) SUPPLEMENTAL GRANT APPLICATIONS PERTAINING TO NATIONAL TRAINING INITIATIVES IN CRITICAL AND EMERGING NEEDS.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) ESTABLISHMENT OF PEER REVIEW GROUPS.—

(A) IN GENERAL.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) COMPOSITION.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) WAIVERS OF APPROVAL.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) GRANT EXPENDITURES.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) ANNUAL REPORT.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

In this subtitle, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION AND RESERVATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle (other than section 153(c)(4)) $30,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(2) RESERVATION FOR TRAINING INITIATIVES.—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than $500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) RESERVATION FOR TECHNICAL ASSISTANCE.—

(A) YEARS BEFORE APPROPRIATION TRIGGER.—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) YEARS AFTER APPROPRIATION TRIGGER.—For any fiscal year that is not a covered year, the Secretary shall reserve not less than $300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) COVERED YEAR.—In this paragraph, the term ''covered year'' means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than $20,000,000.

(b) LIMITATION.—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2000, more than $300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer

review and related activities in fiscal year 2000, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) FEDERAL INTERAGENCY INITIATIVES.—

(1) IN GENERAL.—

(A) AUTHORITY.—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) RELATION TO PROGRAM PURPOSES.—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) PROCEDURES AND CRITERIA.—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section $16,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) USE OF FUNDS.—

(1) GRANTS, CONTRACTS, AND AGREEMENTS.—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.—

(1) IN GENERAL.—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) COVERED YEAR.—In this subsection, the term ''covered year'' means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than $76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than $20,000,000.

(3) REFERENCES.—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.—In addition to any funds reserved under subsection (c), the Secretary shall reserve $100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) LIMITATION.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

TITLE II—FAMILY SUPPORT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Families of Children With Disabilities Support Act of 1999''.

SEC. 202. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

(2) Families of children with disabilities provide support, care, and training to their children that can save States millions of dollars. Without the efforts of family caregivers, many persons with disabilities would receive care through State-supported out-of-home placements.

(3) Most families of children with disabilities, especially families in unserved and underserved populations, do not have access to family-centered and family-directed services to support such families in their efforts to care for such children at home.

(4) Medical advances and improved health care have increased the life span of many people with disabilities, and the combination of the longer life spans and the aging of family caregivers places a continually increasing demand on the finite service delivery systems of the States.

(5) In 1996, 49 States provided family support initiatives in response to the needs of families of children with disabilities. Such initiatives included the provision of cash subsidies, respite care, and other forms of support. There is a need in each State, however, to strengthen, expand, and coordinate the activities of a system of family support services for families of children with disabilities that is easily accessible, avoids duplication, uses resources efficiently, and prevents gaps in services to families in all areas of the State.

(6) The goals of the Nation properly include the goal of providing to families of children with disabilities the family support services necessary—

(A) to support the family;

(B) to enable families of children with disabilities to nurture and enjoy their children at home;

(C) to enable families of children with disabilities to make informed choices and decisions regarding the nature of supports, resources, services, and other assistance made available to such families; and

(D) to support family caregivers of adults with disabilities.

(b) PURPOSES.—The purposes of this title are—

(1) to promote and strengthen the implementation of comprehensive State systems of family support services, for families with children with disabilities, that are family-centered and family-directed, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and support;

(2) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities;

(3) to promote and develop interagency coordination and collaboration between agencies responsible for providing the services; and

(4) to increase the availability of, funding for, access to, and provision of family support services for families of children with disabilities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities funded under this title shall be family-centered and family-directed, and shall be provided in a manner consistent with the goal of providing families of children with disabilities with the support the families need to raise their children at home.

SEC. 203. DEFINITIONS AND SPECIAL RULE.

(a) DEFINITIONS.—In this title:

(1) CHILD WITH A DISABILITY.—The term ''child with a disability'' means an individual who—

(A) has a significant physical or mental impairment, as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; or

(B) is an infant or a young child from birth through age 8 and has a substantial developmental delay or specific congenital or acquired condition that presents a high probability of resulting in a disability if services are not provided to the infant or child.

(2) FAMILY.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of the application of this title in a State, the term ''family'' has the meaning given the term by the State.

(B) EXCLUSION OF EMPLOYEES.—The term does not include an employee who, acting in a paid employment capacity, provides services to a child with a disability in an out-of-home setting such as a hospital, nursing home, personal care home, board and care home, group home, or other facility.

(3) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term ''family support for families of children with disabilities'' means supports, resources, services, and other assistance provided to families of children with disabilities pursuant to State policy that are designed to—

(A) support families in the efforts of such families to raise their children with disabilities in the home;

(B) strengthen the role of the family as primary caregiver for such children;

(C) prevent involuntary out-of-the-home placement of such children and maintain family unity; and

(D) reunite families with children with disabilities who have been placed out of the home, whenever possible.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) SYSTEMS CHANGE ACTIVITIES.—The term ''systems change activities'' means efforts that result in laws, regulations, policies, practices, or organizational structures—

(A) that are family-centered and family-directed;

(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

(C) that otherwise accomplish the purposes of this title.

(b) SPECIAL RULE.—References in this title to a child with a disability shall be considered to include references to an individual who is not younger than age 18 who—

(1) has a significant impairment described in subsection (a)(1)(A); and

(2) is residing with and receiving assistance from a family member.

SEC. 204. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this title, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities that accomplishes the purposes of this title.

(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded under this section for a period of more than 3 years. No State shall be eligible for more than 1 grant under this section.

(c) AMOUNT OF GRANTS.—

(1) GRANTS TO STATES.—

(A) FEDERAL MATCHING SHARE.—From amounts appropriated under section 212(a), the Secretary shall pay to each State that has an application approved under section 205, for each year of the grant period, an amount that is—

(i) equal to not more than 75 percent of the cost of the systems change activities to be carried out by the State; and

(ii) not less than $100,000 and not more than $500,000.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of the systems change activities may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) on the basis of—

(A) the amounts available for making grants under this section; and

(B) the child population of the State concerned.

(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—For the second and third fiscal years for which amounts are appropriated to carry out this section, the Secretary, in providing payments under this section, shall give priority to States that received payments under this section during the preceding fiscal year.

(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable;

(2) distributes the grants among States that have differing levels of development of statewide systems of family support services for families of children with disabilities; and

(3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

SEC. 205. APPLICATION.

To be eligible to receive a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including information about the designation of a lead entity, a description of available State resources, and assurances that systems change activities will be family-centered and family-directed.

SEC. 206. DESIGNATION OF THE LEAD ENTITY.

(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 204, shall designate the office or entity (referred to in this title as the ''lead entity'') responsible for—

(1) submitting the application described in section 205 on behalf of the State;

(2) administering and supervising the use of the amounts made available under the grant;

(3) coordinating efforts related to and supervising the preparation of the application;

(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements;

(5) coordinating efforts related to the participation by families of children with disabilities in activities carried out under a grant made under this title; and

(6) submitting the report described in section 208 on behalf of the State.

(b) QUALIFICATIONS.—In designating the lead entity, the Chief Executive Officer may designate—

(1) an office of the Chief Executive Officer;

(2) a commission appointed by the Chief Executive Officer;

(3) a public agency;

(4) a council established under Federal or State law; or

(5) another appropriate office, agency, or entity.

SEC. 207. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State that receives a grant under section 204 shall use the funds made available through the grant to carry out systems change activities that accomplish the purposes of this title.

(b) SPECIAL RULE.—In carrying out activities authorized under this title, a State shall ensure that such activities address the needs of families of children with disabilities from unserved or underserved populations.

SEC. 208. REPORTING.

A State that receives a grant under this title shall prepare and submit to the Secretary, at the end of the grant period, a report containing the results of State efforts to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities.

SEC. 209. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and

implementation, or expansion and enhancement, of a statewide system of family support services for families of children with disabilities.

(b) PURPOSE.—An agency or organization that provides technical assistance and information under this section in a State that receives a grant under this title shall provide the technical assistance and information to the lead entity of the State, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such an agency or organization may also provide technical assistance and information to a State that does not receive a grant under this title.

(c) REPORTS TO THE SECRETARY.—An entity providing technical assistance and information under this section shall prepare and submit to the Secretary periodic reports regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support services to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies described in section 202 in Federal law, other than this title.

SEC. 210. EVALUATION.

(a) IN GENERAL.—The Secretary shall conduct a national evaluation of the program of grants to States authorized by this title.

(b) PURPOSE.—

(1) IN GENERAL.—The Secretary shall conduct the evaluation under subsection (a) to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support services for families of children with disabilities in a manner consistent with the provisions of this title. In particular, the Secretary shall assess the impact of such efforts on families of children with disabilities, and recommend amendments to this title that are necessary to assist States to accomplish fully the purposes of this title.

(2) INFORMATION SYSTEMS.—The Secretary shall work with the States to develop an information system designed to compile and report, from information provided by the States, qualitative and quantitative descriptions of the impact of the program of grants to States authorized by this title on—

(A) families of children with disabilities, including families from unserved and underserved populations;

(B) access to and funding for family support services for families of children with disabilities;

(C) interagency coordination and collaboration between agencies responsible for providing the services; and

(D) the involvement of families of children with disabilities at all levels of the statewide systems.

(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support services for families of children with disabilities, consistent with the policies described in section 202.

(b) PROJECTS OF NATIONAL SIGNIFICANCE.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support services for families of children with disabilities.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000 through 2006.

(b) RESERVATION.—

(1) IN GENERAL.—The Secretary shall reserve for each fiscal year 10 percent, or $400,000 (whichever is greater), of the amount appropriated pursuant to subsection (a) to carry out—

(A) section 209 (relating to the provision of technical assistance and information to States); and

(B) section 210 (relating to the conduct of evaluations).

(2) SPECIAL RULE.—For each year that the amount appropriated pursuant to subsection (a) is $10,000,000 or greater, the Secretary may reserve 5 percent of such amount to carry out section 211.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

SEC. 302. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term ''developmental disability'' has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) an institution of higher education;

(2) a State agency; or

(3) a consortium of such institutions or agencies.

(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) the basis for awarding the vouchers;

(2) the number of individuals to receive the vouchers; and

(3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) SELECTION CRITERIA.—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

(1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

(2) states that the vouchers that will be provided through the program will be in amounts of not more than $2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

(4) meets such other conditions as the Secretary may specify.

(e) FEDERAL SHARE.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

(a) FUNDING.—

(1) IN GENERAL.—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) PARTICIPANTS.—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 303 $800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) STAFF DEVELOPMENT CURRICULUM.—There are authorized to be appropriated to carry out section 304 $800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

TITLE IV—REPEAL

SEC. 401. REPEAL.

(a) IN GENERAL.—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking ''the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(2) NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking ''as defined in'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

(3) REHABILITATION ACT OF 1973.—

(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking ''the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)'' and inserting ''the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3012(a)) are amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a–7(e)) is amended by striking ''or the'' and all that follows through ''may deny'' and inserting ''or the Developmental Disabilities Assistance and Bill of Rights Act of 1999 may deny''.

(6) SOCIAL SECURITY ACT.—

(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking ''State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act'' and inserting ''State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999 and the protection and advocacy system established under subtitle C of that Act''.

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking ''developmental disability'' and all that follows and inserting ''developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking ''developmental disability'' and all that follows and inserting ''developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

(9) OLDER AMERICANS ACT OF 1965.—

(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking ''Developmental Disabilities and Bill of Rights Act'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking ''part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking ''section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))'' and inserting ''section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking ''part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking ''term'' and all that follows and inserting the following ''term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C.

8013(k)(2)) is amended by striking ''as defined'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking ''section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—

(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking ''section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking ''as defined'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999, or''.

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—

(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

''SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.'';

and

(ii) by striking ''part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 1999''.

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.''.

Mr. LAZIO. Mr. Speaker, I'd like to begin by thanking Senator JEFFORDS for his help in passing this bill In the Senate.

Mr. Speaker, this year is the 10th anniversary of a landmark piece of civil rights legislation—the Americans with Disabilities Act.

And, it is in that spirit that I rise in support of the re-authorization of the Developmental Disabilities Assistance and Bill of Rights Act.

Mr. Speaker, this is good bi-partisan legislation.

It is legislation that reflects The spirit of enterprise and ingenuity that made America great.

It is legislation that promotes self-sufficiency, Productivity and community integration for those who suffer from developmental disabilities.

This program provides basic state funding for local developmental disability councils.

It provides state grants for advocacy and protection.

It funds university affiliated programs and programs of national significance, all of which are vital to the services needed for the disabled.

This legislation will bring over $6 million each year to provide these programs to needy New Yorkers.

Mr. Speaker, The over 2 million New Yorkers who suffer from disabilities are no different from the rest of us.

They have ambitions, goals and desires, just like you or me.

They are people like Fred Klemm, from Hauppauge, Long Island, in my district, who has a wife and 2 children.

He was a dietary assistant looking forward to going back to school when disaster struck.

Fred was found in the Atlantic Ocean at Smith Point County Park, LI, after an accident on his jet ski.

After 4½ months in the hospital, Fred was transported to a rehab center to begin his recovery.

Fred now lives in an assisted-living apartment and is being helped to re-learn skills he will need to one day be able to live independently.

Mr. Speaker, Fred's rehabilitation is being conducted by the Long Island Head Injury Association (LIHA).

LIHA is a independent, not-for-profit group that receives Disability Act funding through one of the four programs re-authorized by the Act—the basic state grants for developmental disability councils. And, since 1963, Mr. Speaker, The Developmental Disabilities Assistance Act has helped America's most vulnerable citizens to attain the productivity that benefits both them and us.

And, it does so in a way that is consistent with principles of responsibility and restraint that are at the core of our world view.

This bill provides flexibility for States to fashion programs that respond to local problems.

It is pro-family. By supporting the ability of families to rear and nurture their developmentally disabled children in the home.

It is fiscally responsible. Because most activities are implemented at the State level, with only an extremely small Federal agency to provide general oversight of the program.

It promotes accountability for measurable results in programs serving the disabled.

Mr. Speaker, we more fortunate Americans will be judged on how we care for the less fortunate among us.

Let's offer a hand up to some of those who need it the most. Let's authorize this program, let's pass this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1809, and to include extraneous material thereon.

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

There was no objection.

CORRECTING ENROLLMENT OF S. 1809, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 133) to correct the enrollment of S. 1809, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from New York (Mr. LAZIO) so he might explain the unanimous consent request.

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from Maryland for his leadership on this particular bill, as he is a leader on many bills of interest to Americans who are concerned about empowering those among us who are disabled.

This takes up, which we just passed, actually, S. 1809, which is the Senate-passed Developmental Disabilities Act reauthorization, with a correcting enrollment, which we are doing right now.

It maintains the language that the gentleman and I have worked through in the House-passed version, basic reauthorization.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his explanation, and I thank him for his work on this. I certainly want to say to our friends in the Senate, Senator JEFFORDS and Senator HARKIN and others who have worked on this legislation, that we are very pleased that it is here. We are pleased that, with the gentleman from New York, we were able to get agreement on the unanimous consent. I rise in very strong support of the passage of this legislation.

Mr. Speaker, I am pleased to be here to discuss a landmark piece of legislation that will improve the lives of over four million individuals with developmental disabilities—The Reauthorization of the Developmental Disabilities Act.

The road to passing The Reauthorization of the Developmental Disabilities Act has been long and tortuous.

The Reauthorization of the Developmental Disabilities Act was passed originally by the Senate around the same time this month, last year. We had some problems moving it here in the House, but were finally successful in passing a House version in July during the 10th anniversary celebration of The Americans With Disabilities Act (ADA).

As the lead sponsor of the ADA 10 years ago, I was especially pleased to be able to work on another important piece of disability legislation while celebrating the passage of civil rights for people with disabilities.

Today we are here to pass a joint resolution that incorporates technical changes we made here in the House and re-pass the Senate's version.

This bill originated in the Senate, and out of respect for the hard work of Senators JEFFORDS, KENNEDY and HARKIN, we would like to send the original Senate bill to the President to sign.

The DD Act has not been substantially reauthorized since 1994, and is in need of some updating. Just as our technology and science evolves every day, so do the strategies for reaching, engaging, and assisting individuals with developmental disabilities.

Individuals with developmental disabilities often have multiple, evolving, life long needs that require interaction with agencies and organizations that offer specialized assistance as well as interaction with generic services in their communities.

The DD Act seeks to provide a voice for those with developmental disabilities, those with mental retardation, autism, cerebral palsy and epilepsy, as they navigate through the complicated system of public services, policies and organizations that we currently have in place.

The DD Act seeks to provide families with the knowledge and tools they need to help individuals with developmental disabilities become integrated and included in their communities, to foster true independence of those with developmental disabilities and protect themselves from abuse and neglect.

Mr. Chairman, as we stand here today, ready to pass the final version of the Developmental Disabilities Act, I think it is appropriate to acknowledge and remind all of my colleagues of the battle that people with disabilities have fought in order to obtain basic civil rights.

It is appropriate that the House passed the first version of this bill on the 10th anniversary of the ADA, and today as we pass this final version of the Developmental Disabilities Act, the Supreme Court is hearing a case that may significantly alter the civil rights protections granted in the ADA.

Today the court is hearing oral arguments to review whether Congress had the authority to abrogate State immunity and enforce the ADA's anti-discrimination protections against State governments.

A negative ruling from the Supreme Court could call into question altogether the constitutionality of title II of the ADA, as well as other disability rights statutes.

As someone who was there during the debates on the ADA, these questions aren't hard to answer. There was a great deal of discrimination going on at the State level—people with disabilities were segregated into institutions; children were discriminated against in public school; public transportation didn't accommodate wheelchairs; and there was a history of section 504 litigation that proved discrimination was happening at the State level. The Bush administration's own national council on disability documented the discrimination in its report to Congress.

We can't let the court turn back the clock on disability rights in the same year that we are celebrating the anniversary of these important protections.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the house of equality. But that house—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach.

I urge my colleagues to support the reauthorization of the Developmental Disabilities Act.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 133

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike ''1999'' each place it appears (other than in section 101(a)(2)) and insert ''2000''.

(2) In section 101(a)(2), strike ''are'' and insert ''were''.

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike ''2000'' each place it appears and insert ''2001''; and

(B) in paragraph (4), strike ''fiscal year 2001'' and insert ''fiscal year 2002''.

(4) In section 124(c)(4)(B)(i), strike ''2001'' and insert ''2002''.

(5) In section 125(c)—

(A) in paragraph (5)(H), strike ''assess'' and insert ''access''; and

(B) in paragraph (7), strike ''2001'' and insert ''2002''.

(6) In section 129(a)—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(7) Is section 144(e), strike ''2001'' and insert ''2002''.

(8) In section 145—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b), strike ''2000'' each place it appears and insert ''2001''.

(10) In section 163—

(A) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(B) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''.

(11) In section 212, strike ''2000 through 2006'' and insert ''2001 through 2007''.

(12) In section 305—

(A) in subsection (a)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 through 2006'' and insert ''fiscal years 2002 through 2007''; and

(B) in subsection (b)—

(i) strike ''fiscal year 2000'' and insert ''fiscal year 2001''; and

(ii) strike ''fiscal years 2001 and 2002'' and insert ''fiscal years 2002 and 2003''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 133, and to include extraneous material thereon.

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

There was no objection.

GENERAL LEAVE.

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 616.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. CHABOT. Mr. Speaker, by direction of the Committee on International Relations and pursuant to clause 1 of rule XXII, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CHABOT moves that the House disagree to the amendment of the Senate to the Bill H.R. 2415 and agree to the conference requested by the Senate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 1 hour.

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

Mr. Speaker, the purpose is to go to conference on H.R. 2415.

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

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker. Is it not traditional that at least the other side of the aisle would get half the time, 30 minutes? Is that not traditional here?

The SPEAKER pro tempore. The time for debate on this motion is 1 hour. It is at the discretion of the gentleman from Ohio (Mr. CHABOT).

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, do I understand the Chair to be saying that the majority party has decided that the minority has zero time for debate on this bill because it is embarrassed by this bill, or because of some other reason?

The SPEAKER pro tempore. The gentleman from Ohio has moved the previous question on the motion.

Mr. NADLER. Continuing parliamentary inquiry, Mr. Speaker.

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

Mr. NADLER. Mr. Speaker, am I to understand from what the gentleman has said and from what the Speaker is saying that the minority is to be denied its customary time to debate this bill; that there is no time to debate this bill at all? Is that what we are to understand?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York will state his inquiry.

Mr. NADLER. Under the rules of this House, how much time will the minority get to debate this bill, this motion?

The SPEAKER pro tempore. If there is a motion to instruct the conferees, the hour of debate on that motion is equally divided.

Mr. NADLER. I cannot hear you, sir.

The SPEAKER pro tempore. Any motion to instruct conferees to follow will be debatable for one hour, equally divided.

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) will state his parliamentary inquiry.

Mr. GEJDENSON. Mr. Speaker, is the Speaker aware of other precedents where the minority was not given half the time to discuss the motion to go to conference?

The SPEAKER pro tempore. The gentleman has simply moved the previous question.

Mr. GEJDENSON. Excuse me, again, Mr. Speaker. Is it not the tradition of the House that the minority have an opportunity to discuss the motion, and not be silenced by this parliamentary maneuver?

The SPEAKER pro tempore. The Chair cannot be the historian of the House under the guise of a parliamentary inquiry.

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

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) has moved the previous question.

Mr. GEKAS. Mr. Speaker, may I try to untangle this?

The SPEAKER pro tempore. Are there further parliamentary inquiries?

Mr. GEJDENSON. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. GEJDENSON. Would it be appropriate at this point, Mr. Speaker, for the gentleman from Ohio to ask unanimous consent to remove his motion, and then we can have a discussion?

Mr. CHABOT. Mr. Speaker, I withdraw my request for the previous question.

Mr. Speaker, I yield 10 minutes to the other side and 10 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 10 minutes.

There was no objection.

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

Mr. Speaker, when we came to the floor for this august parliamentary debate, we came with the understanding that an agreement had been reached that on the motion to go to conference, that there would be no debate and that it would be routinely accorded a voice vote, and then we would move to what the minority has planned to do; namely, to move on a motion to instruct the conference. That was the understanding under which we came to the floor.

If Members want to begin the debate on the content of their motion to instruct during the motion to go to conference, they are just duplicating effort. Why do we not all agree that the motion for conference, to go to conference, will be accorded a voice vote, and then go into the debate on the motion to instruct? That is the gentlemanly way to approach this.

I ask the minority to allow the vote to go to conference to take place, and then we can proceed to the motion to instruct, and we will debate the merits of that motion.

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

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

Mr. Speaker, I would say to my friend, the gentleman from Pennsylvania; they are there are two different questions involved. We cannot roll one into the other and say, let us go on. We want to talk about what is happening procedurally on this bill.

We are dealing with a bill that has already been passed into law in which there is an attempt now to patently misuse the legislative process. Enough time on that.

Mr. Speaker, it is my understanding that the State Department authorization has already been enacted. Is this bill, therefore, merely being used as a vehicle to enact bankruptcy, the bankruptcy provisions?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS), the ranking member of the subcommittee; the chair of the subcommittee.

Mr. GEKAS. Mr. Speaker, we should at least get that right.

Mr. Speaker, I am willing to answer. Let us go back to something I said. How can the gentleman from Michigan say that?

Mr. CONYERS. Mr. Speaker, yes or no, please.

Mr. GEKAS. Mr. Speaker, is the gentleman yielding to me or not?

Mr. CONYERS. I am, for an answer.

Mr. GEKAS. What is the question? What is the answer?

Mr. CONYERS. I could give the gentleman the answer as well, but the question is, is this bill before us merely a vehicle to enact the bankruptcy provisions?

Mr. GEKAS. No, not merely.

Mr. CONYERS. Not merely. What else?

Mr. GEKAS. It depends on what the word ''else'' means and what ''is'' means. But at this point, it is not merely to put in the bankruptcy.

Mr. CONYERS. Yes. That is very good.

Mr. Speaker, this is a very poor process, as everybody on the floor has already noted. This is totally against tradition, to attempt to move this measure of bankruptcy into a measure that has already been passed into law. This is incredible.

Mr. Speaker, as a matter of fact, I will ask for the assistance of the gentleman from Virginia (Mr. BOUCHER), and will need, at the appropriate time, to be asking the Speaker for an exercise of discretion to substitute him for me as a conferee on the following issues with regard to enhanced consumer protection, priority child support provisions, general and small business bankruptcy provisions, municipal bankruptcy provisions, data bankruptcy, and several other items.

Mr. Speaker, I would ask the Speaker to keep that in mind at the appropriate time.

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

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

Mr. Speaker, some day before this session is over or before our careers are over, I say to the gentleman from Michigan, I want him to explain to me on a one-to-one basis why we came to this floor on a gentleman's agreement that we were going to proceed on the motion to conference and then reserve the debate for the motion to instruct?

If there was no such agreement, then I say to the gentleman, we will stay here for 3½ hours, if the gentleman wants to, to debate the motion to instruct, or any phase of what the gentleman wants to try to get across.

All I am saying to the gentleman is, are we not prepared now to go to a motion to instruct?

□ 1715

Let us just proceed with the debate.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me start from the beginning and say I was aware of no gentleman's agreement. In order to purchase the right to speak on this bill, we just gave up the right to vote on this bill because of the coercion by the Republican majority.

We had to purchase the right to speak on this bill for 10 minutes on our side instead of 30 minutes, because my colleagues are trampling on the rules and the customs and the procedures of the House, because my colleagues do not want any debate on this bill, because it will not stand the light of day, especially what my colleagues are doing here.

This is a State Department reauthorization bill, but who is managing it? Do we see the foreign affairs committee people here on either side of the aisle? No, everybody knows that is a fiction. This is a bankruptcy bill, and therefore the Committee on Judiciary people are here, the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Connecticut (Mr. CONYERS), myself in order to deal with this bankruptcy bill in the guise of the State Department authorization bill, a motion to go to conference on the State Department authorization bill, a bill that was signed into law last year, number one.

Number two, why? Why are we trampling upon the normal procedures and rules of the House? Because $40 million has been spent on lobbying and campaign contributions by the big banks and they must be repaid. They must get their way. People in the margins of society, those who have had their jobs sent overseas, who have suffered serious illnesses, who have had to face the economic consequences of divorce or the death of a breadwinner, these Americans have very small voices in this Congress, and they are drowned out by the millions spent by the big banks, by the shopping centers, the credit card companies.

This dominates and will have their way on this, even if the majority just trampled the rules and the procedures and customs of the House.

Mr. Speaker, we are not getting prescription drug relief. We are not getting campaign finance reform. Farmers have been without chapter 12 relief for months while family farms are still being held hostage to the banks' wish list. We have not even done our basic business and passed the appropriations bills to fund the Federal Government.

But today we have before us in the guise of a motion to go to conference on a State Department bill, a 400-page list of favors for the large special interests. We should pay our debt to the American people, first. No one knows what is in the bill that is going to be proposed in this conference. Nobody here will get to review it.

This will be another secret shame on the House and on the voters. This is a perfect illustration of the depths to which our failure to pass serious campaign finance reform a few years ago has brought us. I am sorry that we do not have a full hour to debate this bill, that we have only 20 minutes because of the wish of the majority to trample on the rules of this House, because they do not want to see this bill really debated, to see the light of day, because if the American people really knew what was in it, they would be outraged.

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

Mr. Speaker, the gentleman from New York (Mr. NADLER) really wants to debate the bill. If we do debate it for another 2 hours or 4 hours, it will be a cumulation, a cumulative period of about 50 hours that we have spent debating the very same items that are in this bill that were in when we first debated it and which gained in the House of Representatives 315 votes.

This was a bigger vote on the same provisions, almost the same wording, a bigger vote than the previous time when the House voted 300-something-plus on the same provisions to which we are addressing these remarks.

It has been debated in committee, in subcommittee, off the floor, in informal conference, in the newspapers, in the forums of the news media, and we are prepared to do the will of the Congress, to do the will of the House. That is why we had to use this extraordinary measure to make sure that the will of the people in the country and the will of the Members of the House and of the Senate be accorded a vote finally on bankruptcy reform.

What has happened is, even though we tried valiantly through our chairman, the gentleman from Illinois (Mr. HYDE), to try to convene a conference as far back as June, recalcitrant Members of the minority in the other body saw fit to try to wreck this reform measure, just as others even on the floor here today are trying to do, and because of that, we had to move along, plug along in trying to get a vehicle or a methodology by which we can return back to this floor with the bill which had handsomely passed this membership. And even though the gentlemen who are now speaking on the minority were eloquent in lambasting the unfairness of the bill and all the concoctions that they wrought for the purpose of trying to defeat the bill, despite all of that, I repeat with pride, that 315 Members voted in favor of it.

Only the members of the Committee on the Judiciary on the minority were in any kind of gathering of force to try to oppose it, and they failed miserably.

What we are trying to do, Mr. Speaker, is to allow this body to again voice its approval of a much-needed reform. Our country needs bankruptcy reform. The people by a handsome majority favor the reform measure. If we want to argue it some more, we will keep bringing up the 315 votes, we will keep bringing up those people who support it, all the groups around the country that are in favor of bankruptcy reform, and do whatever it takes to re-convince the 315 that we are prepared to bring reform in bankruptcy to the American people.

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

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting that we come again with the same representation of 315 votes. This is the people's House, but we voted on this bankruptcy legislation that is now being tagged on to a State Department authorization for no reason in 1997, 1998, and 1999. There is no swell in this for this bill to be brought forward with all of the ills that it has. It is a bad bill. There is no need in this economy for a bankruptcy reform.

The bankruptcy judges have said there is no need. The trustees have said there is no need, but there is need to help those who suffer from catastrophic illnesses or senior citizens who cannot afford to do what they need to do because of catastrophic illnesses or because people are divorced, or because there is a question about child support and alimony. These need to be fixed.

There is a homestead exemption that needs to be balanced with other States; but, yet, we are coming to the floor with the bankruptcy bill in the dark of night almost with no understanding as to why this bill has to be pushed through in this session, when, in fact, Mr. Speaker, it has problems.

I know we are going to go to conference. I hope we can try and fix these problems in conference.

Mr. GEKAS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining.

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

Mr. Speaker, I think the record should reflect the fact that every single issue that the gentlewoman from Texas (Ms. JACKSON-LEE) articulated here in her remarks has been debated, redebated, discussed, rediscussed, overdiscussed, continuously discussed, and hearings were held on them. Then I repeat, because it is an important fact for everybody to remember, after all of that and all of the debate, including the gentlewoman's concerns which she just expressed, 315 Members of the House and whatever it was in the other body overwhelmingly approved bankruptcy reform.

The time has come for us to resolve the issue. Should we or should we not bring bankruptcy reform to the American people? We are facilitating that through this mechanism of the conference which we are about to convene.

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

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, I simply want to ask the gentleman from Pennsylvania (Mr. GEKAS), chairman of the subcommittee, since he assured us a moment ago that this House has voted on this bill, can he assure us that the bill that we are going to see is the same bill the House voted on, or is it a different bill? How do we know?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it will be different, but the basic core values of the bankruptcy reform bill which will make sure——

Mr. NADLER. Reclaiming my time, Mr. Speaker.

Mr. GEKAS. Does the gentleman want to reclaim his time?

Mr. NADLER. Yes, Mr. Speaker, it is my time.

Mr. Speaker, I thank the gentleman for answering the question. The gentleman said it will be different, so we have not debated that bill. We may have debated a bill with similar core values. I am not going to say I concede that, I assume that, but it is not the same bill.

Mr. Speaker, I would ask one other if the gentleman wants to answer. What on earth does this have to do with the State Department authorization? What on earth does this have to do with reauthorization of the State Department?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it has to do with the search for better government within the Congress of the United States, in the realm of the State Department and in the realm of bankruptcy reform, and for the good of our people who demand action on the State Department and on bankruptcy reform.

Mr. NADLER. Reclaiming my time, I thank the gentleman, Mr. Speaker. In other words, we are using the State Department bill for something that has nothing to do with the State Department, because we cannot find an honest way under the rules of the House to do this.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining, the gentleman from Pennsylvania (Mr. GEKAS) has 4 minutes remaining, and the gentleman from Ohio (Mr. CHABOT) has 40 minutes remaining.

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

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time. Is there a tie now?

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I urge that we vote against this misguided effort to include provisions of so-called reform of the Bankruptcy Act that would impose an indiscriminate means test that will be injurious to women, to the payment of childcare; and not only is this process disappointing, the substance of the bill before us falls far short of what this body should do for the hard-working and poor people of this country, more than half of whom file for bankruptcy because of health care costs.

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

Mr. Speaker, this is yet another blatant example of the misuse of the legislative process by the Republican majority. Last week, it was used in the Violence Against Women Act as an excuse to pass special interests legislation benefiting the alcohol wholesalers.

Today, we are attempting to use the State Department bill as a ruse to pass special interests bankruptcy provisions. Now what is wrong with the bill? The proposal attempts to oppose an indiscriminate means test to determine eligibility for bankruptcy relief. It is highly damaging to a single mother's access to the bankruptcy system.

The business provisions of the proposal will impose harsh time deadlines and massive new legal and paperwork requirements. And so I want to say to my colleagues that the bankruptcy referees who have tried to consult with us are shocked that we would move such legislation forward.

Mr. Speaker, I urge my colleagues not to give it their support.

□ 1730

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the motion to go to conference on H.R. 2415. I also rise in support of the inclusion of the bankruptcy reform legislation as a part of this measure. Inclusion of the legislation as part of this act will enable us to move forward with a much-needed reform of the bankruptcy laws.

That reform was approved in this House in May by the overwhelming vote of 315 to 108, and I would suggest that that strong vote underscores the broad agreement among Members of the House on both sides of the aisle that we need a bankruptcy reform that restores an element of personal responsibility to the bankruptcy process.

In February of this year, the Senate approved a similar measure by the vote of 83 to 14. Unfortunately, due to procedural hurdles in the Senate, it has been difficult to reach an agreement between the two bodies so that uniform legislation may be considered by both Chambers.

The hurdles encountered in the other body have created the need to utilize the procedure that we are considering today. The legislation takes a balanced approach to bankruptcy reform.

Our main goal in passing the legislation was to encourage those individuals who can repay a substantial part of what they owe to use the reorganization procedures of Chapter 13 rather than the complete liquidation procedures of Chapter 7.

That is a modest and needed reform endorsed broadly in this House, endorsed broadly in the other House. All that we are asking now is the opportunity to have a conference to bring final agreement to this much-needed measure.

So, Mr. Speaker, I urge that this House approve the motion to go to conference.

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

Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) if he is prepared to go to a vote to go to conference. If so, I will yield back the balance of my time, and we can vote on the conference and go to the next portion of this.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, the answer is yes.

Mr. GEKAS. Yes.

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

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H.R. 2415) be instructed to insist that—

(1) A meeting of the committee of conference be held and that all such meetings

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance by the public and the media.

(2) the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read, and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under rule XXII, the gentleman from New York (Mr. NADLER) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, if it is in deference to the wish of the majority to move expeditiously, I ask unanimous consent that we limit debate to 15 minutes on each side.

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

Mr. GEKAS. Mr. Speaker, I will think about it for about 3 seconds and say proceed. We will agree to restrict it to 15 minutes on each side.

There was no objection.

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

Mr. Speaker, this motion to instruct simply instructs the managers on several points: one, that all meetings of the conference committee be open to the public and to the print and electronic media and be held in venues selected to maximize the capacity for attendance by the public and the media; that is, that it be held in a large room and that it be open and public.

Secondly, that the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

In other words, Mr. Speaker, if we are sending this bill to a conference committee, it should be a real conference committee, not the sham, shadow conference where only people who basically approved of the bill were consulted, and not the sham conference we had 2 years ago where, after a ceremonial opening where no one was allowed to offer amendments, everything else was done in camera and the members of the minority were presented only with a written report to sign or not to sign. There were no further meetings.

If the spirit of democratic procedure, with a small ''d,'' in this House is to be upheld, then the conference committee ought to be a real committee. There ought to be meetings. The meetings ought to be held in a room with chairs and seats and space for the media to report on it as is generally the case with, as in fact is uniformly the case with the rules of the House for committee meetings. That is all this says.

I find it difficult to imagine how anyone can vote against this because all it says is the meetings of the conference committee should be in conformance with the normal practices, open meetings, and the bill should be a result of open deals openly arrived at, to paraphrase Woodrow Wilson.

It is a very simple motion. I expect everyone will support this obviously uncontroversial and constructive motion so that the bill and the changes that will be made in it can be done in the light of day, and everyone can be responsible for what they do. The media, whoever is interested can be there, and there will be seats in the room so people who are interested can watch it. It is hard for me to imagine any grounds for opposing this.

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

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

Mr. Speaker, I am willing to and will yield back the balance of my time and say to the movers of the motion that we agree to the content of the motion and we can go directly to a vote.

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

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the gentleman from Pennsylvania for a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will answer if I can.

Mr. NADLER. Mr. Speaker, do we have a commitment from the gentleman from Pennsylvania (Mr. GEKAS), a personal commitment, that the terms of this motion to instruct will, in fact, be adhered to, because we have a record here of motions to instruct being ignored. So in other words, do we have a commitment that, in fact, the meetings will be open to the public as it says here and members of the conference committee will have opportunity to offer amendments and so forth?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, the procedure is implicit in the rules of the House as to how a conference and to what proportions Members will be able to participate and to what degree access to the public will be made, and so I do confirm the rules of the House in that regard.

Mr. NADLER. Mr. Speaker, reclaiming my time, frankly, no one has to confirm the rules of the House. The rules of the House are what they are. But despite the rules of the House, past conferences on this bill and conferences on other bills have not been done this way. Some have. Many have not been.

So I ask if we have the gentleman's personal commitment as a member of the majority, perhaps the chairman of the conference, that the conference will be done in accordance with the urgings of this motion that we are apparently about to pass. Because the rules of the House have no enforcement mechanism. That is why I am asking for his personal commitment as the enforcement mechanism on this situation.

Mr. Speaker, since the gentleman from Pennsylvania (Mr. GEKAS) is looking at me with a quizzical look on his face——

Mr. GEKAS. Mr. Speaker, I always do.

Mr. NADLER. Well, sometimes, I deserve that.

Mr. GEKAS. Yes.

Mr. NADLER. And sometimes not. But in any event, the rules of the House are often waived. So that is why I am simply asking for the gentleman's word, his commitment that, in this case, the rules of the House, as expressed in this motion to instruct, namely, that the meetings will be open to the public and to the print and electronic media, that they will be held in rooms large enough so people can attend, and that members of the conference committee will have the opportunity to offer and debate amendments, that that in fact will be done.

Do I have the gentleman's commitment and assurance that that, in fact, will be done?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I think we have to divide the gentleman's question. It has so many facets to it.

Let me put it this way. If I become chairman of the conference, I will have some power to determine the parameters of how it would be run. I am the lowly chairman of the subcommittee which happened to author this wonderful and needed bankruptcy reform measure. To the extent that we can expedite this matter, I have tried to cooperate on the floor, as I have in all stages of these procedures. I want this thing to move on; and whatever the conference requires of its members, I will accede in doing.

Mr. NADLER. Mr. Speaker, with all due deference, that is not an answer.

Mr. GEKAS. Mr. Speaker, the question is——

Mr. NADLER. Mr. Speaker, excuse me, it is my time now.

Mr. Speaker, with all due deference, the best way, I do not know if it is the best way, but the easiest way to expedite the process of the bill is to walk out with a bill, have the majority members of the conference committee sign it, and come back and say this is the conference report with no meetings.

So I will ask again, do I have a commitment that there will, in fact, be meetings in a room with the members of the conference committee present at the same time and with members of the conference committee able to offer and debate amendments? Simple request. Do I have that commitment, yes or no?

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will offer all the recommendations of the gentleman from New York (Mr. NADLER) to the committee when it is fully formed, and I will have a copy of the CONGRESSIONAL RECORD with all his recommendations in it. We will hope that the conference, for his sake, will accommodate as many of his requests in that multirequest statement he just made, Mr. Speaker.

So there is no need to prolong this. Let us go to conference.

Mr. NADLER. Mr. Speaker, with all due respect, we did not get any commitment that this will be adhered to. I will predict right now, and I will say it on the floor, and, in fact, let me pose a challenge to the Republican leadership. I do not believe they are going to adhere to this. I do not believe there will be a meeting. I do not believe members will have the opportunity to offer amendments. I do not believe there will be votes on those amendments. I do not believe anyone will be able to sit at that meeting.

I challenge them to show me I am wrong. I predict that I am right. I challenge them to show me I am wrong. I challenge them to show me they can, in fact, proceed on this bill in an honorable way under the rules of the House. I bet they do not.

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

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining. The gentleman from New York (Mr. NADLER) has 7½ minutes remaining.

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

Mr. Speaker, I still wanted to go to a vote here. That is why I agreed to the motion.

Mr. Speaker, I will challenge the gentleman from New York (Mr. NADLER) to meet me here in this body next January when we reconvene and review what happened here today to see whether he was satisfied at the procedure that completed the work on bankruptcy reform. I challenge him to do that. Because the conference is a life all of its own. I cannot predict what it will do. I will not chair that conference.

I want to do the best I can to bring before the American people much-needed bankruptcy reform. Where have my colleagues heard that before, Mr. Speaker? They heard that from me, because it is the logical answer to all the contentions made by the people who oppose bankruptcy reform.

We are using a proved mechanism within the rules of the House and the Senate to bring a measure to the floor which has been debated, redebated, discussed, rediscussed, returned to the House, returned to the Senate, one term to the next. There is nothing more to be said except shall I vote yes or no on bankruptcy reform?

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

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

Mr. Speaker, we do not have to wait till next January, because I predict that we will have a bill on the floor, a completed conference report on the floor tomorrow. I also predict there will not have been a meeting, there will not have been votes or amendments.

Now, I am not talking now about the merits of the bill. I am talking about honest, open and democratic procedure so that people can see what is being done in the open light of day in accordance with the normal rules of the House, which hopefully would not be waived in this case.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the honorable ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I see the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on the Judiciary here. Could I ask if he would kindly join with us in pledging to affirm and carry out the details of the motion to instruct.

Mr. Speaker, I yield to the gentleman from Illinois (Chairman HYDE) for some closure on this matter.

Okay. The gentleman from Illinois (Chairman HYDE) does not care to comment on this matter.

□ 1745

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made some interesting points. One, I think the gentleman's inquiry is whether or not the bankruptcy bill is the same bill that saw one or two votes on the floor of the House. The response was that it is not.

Mr. Speaker, I think that is an important point. I rise to support this motion to instruct because in the last session of Congress I was part of the conference on bankruptcy. I recall that conference being the opening of a door to a room, the seating at a table, the gaveling of the opening of that conference and the gaveling of the conclusion of that conference; all probably occurring within a 20-minute time frame, to my recollection. But there was no time for amendments or public view.

I think the misnomer that we have here, Mr. Speaker, is the terminology being used here: bankruptcy reform. There is no reform if we do not take into account people's catastrophic illnesses, divorce, the need for alimony protection, or child support protection. And there is no reform, Mr. Speaker, if the statistics will show that bankruptcy filings are going down.

The reason why this legislation has even come to the forefront and took so long is because there was some crisis that the proponents of this bill viewed that they were having. There is no crisis and the leaders in the industry, the bankruptcy judges, the bankruptcy trustees, say there is no need for reform. The bankruptcy commission never settled on a response or an answer that is incorporated in this bill. The bankruptcy commission never came forward on the means test, and that is what is in this bill.

This motion to instruct should be passed, Mr. Speaker, and I support it.

Mr. Speaker, I come before you today to oppose this motion. It includes the highly controversial bankruptcy bill that was introduced by Senator LOTT during September. This bill, has not improved the very harsh provisions in the bill.

The motion simply eliminates essential provisions for minimum wage and tax break provisions that were agreed upon after a hard fight by Democrats.

This drastic move, by the Republican leadership flies in the face of the months of negotiations by both parties to put forth legislation that would provide adequate protection to the American people. In the time it took to slip this new bill in to the Senate Bill Clerk's Office, one member of the United States Senate cast aside and buried all the time we spent ensuring that certain protections were in place to assist hard working class and lower income people. This is regrettable.

I oppose this motion and introduction of this bill which has made a farce of the political process.

The greatest challenge before us in the bankruptcy reform efforts here in Congress is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire to general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protections when they need them.

We must come to a point of consensus on how to approach the problems of consumer-

debtor abuse. The main problems in this area are, (1) inaccurate debtor statements of their assets in official filings, (2) multiple bankruptcy petitions in a short span of time in order to gain an automatic stay or immediate protection from indebtedness, (3) too few Chapter 13 participants, and (4) too few Chapter 13 plans are completed, particularly in regard to debtor obligations to unsecured creditors.

Mr. Speaker, imagine a debtor sitting at desk, money in one hand and financial obligations in the other. On the other side of this desk is a line of individuals waiting for payment. In this line there are creditors standing along side their attorneys, mothers holding the hands of their small children and students with books. The debtor begins to pay his creditors pursuant to law. As he begins to make payments he realizes that his available financial resources are limited—secured creditors are paid first. As he turns to make payment for his familiar obligations, the unsecured creditors move forward with their counsel and request payment or a lawsuit. Who will advocate for our children, America's largest indigent group? Who will speak for the recipients of alimony and support payments?

Let me start by stating that I am for bankruptcy reform that is equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his family and his creditors. Reform that will give a debtor a fresh start—the new start bankruptcy has historically given to an individual that is financially unable to pay his debts.

The United States Constitution Article I, Section 8, grants Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States. In January 1999 I took the Congressional Oath of Office to support and defend the Constitution of the United States against all enemies, foreign and domestic. It was an obligation that I took freely and without any reservation. As a Member of Congress, I am bound to uphold the Constitution.

My duty to uphold the Constitution is not a theoretical duty but a real duty; it is a duty that compels me to voice my opposition to attempt by Republicans to usurp the process. It is a duty that compels me to protect children, women and honest debtors. It is a duty that obligates me to oppose any legislation that will upset the delicate balance that has evolved over the years between creditors and honest debtors.

Regrettably this bill—will not give an honest debtor—a fresh start. In fact, it will create a modern day debtors' prison. Through the use of reaffirmation agreements and the shackling mandatory provisions of this bill—innocent women and children will be hurt. Alimony and support payments will be subordinated to the interest of creditors.

Children do not have the financial resources to hire an advocate to collect their support payments. Most women do not have the financial resources to hire an attorney to collect alimony payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

I am concerned about the potential adverse impact that this bill will have on America's families. This bill is not the product of a deliberative process, it is the off-spring of a rubber stamp bankruptcy reform factory—manufactured to curb financial abuse yet its provisions have not been tested. It may give rise to financial over-reaching by dishonest, unscrupulous creditors.

Debtors with the financial ability to pay their obligations should be required to satisfy these debts. Certainly, I am not suggesting that the bankruptcy code should provide a shield for individuals interested in defrauding creditors. Financial responsibility and integrity is a noble cause; however, a debtor's familiar obligations should not be held hostage in an effort to obtain these goals.

This bill redirects a significant portion of a debtor's income to banks and credit card companies without providing a mechanism to protect alimony and child support payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill creates broader categories of non-dischargeable debt. These new non-dischargeable debt obligations will lower the potential for women and children to receive necessary support payments for their existence. Women and children will be in direct competition for the limited resources of the discharged debtor. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill is a catastrophic threat to our families who rely on support payments. Needs based bankruptcy utilizes an artificial mathematical formula, the ''means test,'' that has its genesis in a discretionary equation as determined by the Internal Revenue Service collection standards.

More importantly, this bill, mandates that the bankruptcy court presume abuse exists if the debtor's current monthly income is not less than 25 percent of the debtor's nonpriority unsecured claims. A debtor can rebut this presumption of abuse by demonstrating and establishing ''extraordinary circumstances'' that require additional expenses or adjustment of income.

This problematic formula will ignore or understate the real day to day expenses and financial circumstances of an honest debtor. Bankruptcy legislation must take into account the specific needs of the debtor, his financial obligations and that individual's ability to pay creditors. This bill unacceptable because it authorizes and compels the bankruptcy court to convert a properly filed Chapter 7 bankruptcy into a Chapter 13 pursuant to an arbitrary and capricious procedure that is harsh and extreme.

Our bankruptcy system may be irreparably damaged as a result of attempting to promote financial responsibility through a ''means test.'' The National Bankruptcy Review Commission rejected the means test formula because it will not accomplish its goal—curbing abuse of the bankruptcy system. The ''means test'' is a mean test because it penalizes honest debtors and their families. The ''means test'' promotes a cookie-cutter mentality to an individualized problem. Who will advocate for our children—Who will speak for the recipients of alimony payments?

Bankruptcy reform must provide assurances for honest debtors that their decision to file Chapter 7 will be respected and thoroughly reviewed before applying a bright-line artificial mathematical test that will thrust the petition into Chapter 13.

This bill severely restricts the availability of debtors to seek protection utilizing State exemption laws. Since 1939, the Texas Constitution, Article 16, section 50, subsection (a), has provided debtors with a homestead exemption against creditors' claims. It states, ''[T]he homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts.''

Without application to bankruptcy law—this constitutional provision would have little utility for honest debtors. Whatever happened to the concept that a man's home is his castle? In Texas, we believe in this principle and we are opposed to any legislation that threatens the viability of this protection.

Mr. Speaker, the entire Texas Delegation has signed a letter expressing concern over the proposed monetary protection limit on the amount of an individual's homestead. At this time, I would like to introduce a copy of this letter into the RECORD.

Additionally, this bill will create exemptions that are inconsistent with the overall intent and spirit of bankruptcy. Furthermore, honest debtors will be reluctant to file for financial protection because of fear.

We must protect women and children. Over sixty percent of bankruptcy petitioners have been unemployed within a two-year span prior to seeking assistance from the bankruptcy court. Approximately two out of every three petitioners are recently divorced. According to the Consumer Bankruptcy Project, an estimated 300,000 bankruptcy cases involved child support and alimony orders.

Under the existence bankruptcy structure, particularly in Chapter 7, alimony and child support payments survive. Consequently, alimony and child support recipients are almost guaranteed payment because the debtor can discharge other non-secured financial obligations in order to make familiar payments.

We must protect women and children. If we deny access to Chapter 7 to individuals who need this form of protection—debtors who fail to complete the required repayment plan will return to Chapter 7 with a diminished capacity to repay their non-dischargeable debt—including child support and alimony payments. The 1970 Bankruptcy Commission concluded ''forced participation by a debtor in a plan requiring contributions out of future income has little prospect for success. Hence it should not be adopted as a feature of the bankruptcy system.''

We must protect America's families. Most individuals who file petitions in the bankruptcy courts are usually experiencing turbulent times. Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process.

We must protect America's families! This bill, is an extreme bill undertaken at the direction of special interest groups. We must protect working-class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for discharged debtors.

We must protect America's families! It is ironic that the consumer lending industry actively solicits unsuspecting consumers through

the mail with terms of easy credit, buy now—pay later rhetoric. After addicting debtors to this "financial crack" lenders are advocating for reform. Of course debtors are responsible for financial obligations that they incur; however, lenders must assume responsibility for their actions in creating the precarious financial crisis we are discussing.

In the 105th Congress, I served as a member of the Subcommittee on Commercial and Administrative law and as a conferee on H.R. 3150, the precursor to the bill being unconsidered under the motion today. Last year, I signed onto the dissenting views of the accompanied report from the committee. The dissents' conclusion is appropriate in this context:

For nearly 100 years, Congress has carefully considered the bankruptcy laws and legislated on a deliberate and bipartisan basis. In the past, Congress has elected also to carefully preserve an insolvency system, that provides for a fresh start for honest, hard-working debtors, protects ongoing businesses and jobs, and balances the rights of and between debtors and creditors.

Because this motion departs from these historical principles, I will vote in opposition to this legislation.

Another problem that deserves attention by Congress is the area of creditor abuse. The lending mechanisms that currently affords credit to consumers with low to moderate incomes have been faulty and have been marked for restructuring, but no improvement has come. We can not risk the creation of a "two-tier" credit system in this country that generally ignores the interests of individuals at lower income levels.

I am disappointed that the Republican Leadership has chosen to take two steps backwards for every step forward, however, we, in the Democratic party will press forward and work together to find the best way to accomplish these goals for the greater benefit of all of the parties involved in this process.

Finally, I oppose the motion to go to conference however, if the motion passes I support the Nadler motion to instruct to insure an open conference meeting that complies with the rules of the House.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the other side for allowing me to speak briefly.

I want to put this debate in the context I think we are missing. We are talking about process, and what I would like to achieve, along with, I think, most Members of this body, is results. The process we have chosen is legal, it is legitimate, and it follows the rules of this body. I would like to focus Members' attention on the fact that the bankruptcy reform bill passed 313 to 108, and in the Senate it was 83 to 14.

The reason we are here in the last hours of Congress having to use the process that we have chosen is because a handful of people who want to defeat the will of both bodies have chosen to make it difficult if not impossible without this route. I would associate myself with the comments of the gentleman from Virginia (Mr. BOUCHER). I think the will of the Congress is being expressed in the vehicle we have chosen.

Bankruptcy reform is long overdue in this country to protect people, women and children, to make sure their obligations owed to them are there. This bankruptcy bill protects those who are in need to make sure their payments come before anybody else gets their payments. The bill seeks to reform a system that has been outdated and needs to be brought up to the 21st century standards to make sure that people avail themselves of bankruptcy protection in a fair way and that the business community gets a fair shake.

So I would just say to my colleagues on the other side who are talking about process, we are here in the last hours of this Congress to do as much good for the American people as we can. This bill was passed 313 to 108 in the House, 83 to 14 in the Senate. The vehicle chosen here was chosen because a few people made us do this.

What we have chosen to do here, Mr. Speaker, is legal and follows the rules of the body, and I would ask all of my colleagues who support bankruptcy reform to come to our aid here in the last hours of the Congress and let us do something good for the American consumer and the American business community.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to engage the subcommittee chairman in a colloquy, if I might.

The previous speaker just mentioned that the House passed the bill 313, or whatever, by a wide margin. The House also adopted language that allowed States to opt out of the cap on the exemption of homestead. This is something that the Federal Government has allowed the States to determine since the founding of the country.

What I would ask the distinguished chairman is whether or not the conference report, which we do not know, have not seen, that someone has written somewhere, overrides the will of the House that overwhelmingly passed the manager's amendment that included this opt out? Does this conference report override State law and State constitution with respect to homestead?

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

Mr. BENTSEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I cannot predict what the final language will be in the conference by reason of the deliberations of the conference that has yet to take place. It is my intent to press for the States' rights on homestead exemption to remain.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I urge my colleagues to vote for this motion to instruct and remind them that all it says is that we instruct the conferees that meetings of the conference committee be open to the public and to the media; to be held in rooms selected to maximize the capacity for attendance, that is, in big rooms; and that members of the conference committee be allowed to offer and debate amendments.

Mr. Speaker, I trust that that is a noncontroversial motion to instruct; and if in fact I recall correctly, the chairman of the subcommittee, the gentleman from Pennsylvania, said he agreed with this motion.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and my comments will go to the underlying bill.

Let me just make the observation that we have had three votes on this measure, and it has passed with overwhelming bipartisan support. I think the time for reform really is now.

The fact this bill will stop abusers while protecting those who need it most is important. I think for too many wealthy Americans bankruptcy is becoming the first stop rather than the last resort, and more and more higher-income people are choosing bankruptcy as a financial planning tool, sheltering substantial wealth, while sticking the consumers and responsible borrowers with the tab. That is part of what this is about. They wipe out billions of dollars worth of wealth by doing this. Even one case of bankruptcy fraud or abuse is too many. It takes 33 Americans to pay for one bankruptcy of convenience.

My point is we must restore personal responsibility to our bankruptcy code. We have a trend here that is continuing. Despite economic growth, despite low unemployment, despite rising disposable personal income an exorbitant number of personal bankruptcies are filed every year, many by individuals who have the ability to pay down some or all of their debt. In fact, over the past decade, the number of personal bankruptcies have doubled, and this year more people are projected to declare bankruptcy than will graduate from college.

Now, this reform helps women and children. Under provisions in the bankruptcy reform conference report, child support and alimony take priority, take priority over all other debts, making it now easier for single mothers to collect child support payments from fathers who would rather walk away from their responsibilities by filing for bankruptcy. Fixing the bankruptcy code and strengthening child support and alimony enforcement go hand in hand in reinforcing personal responsibility.

Let me say that the enormous enhancements to support in terms of this collection remedy make this worthy of support. And those words come from the National Districts Attorney's Association in their support for this measure. Bankruptcy reform enjoys strong bipartisan support.

I will just remind my colleagues of the fact that this legislation was agreed to by both Chambers and would help prevent those who can afford to repay some of their debt from pushing it off on to other hard-working Americans. Once again, I remind my colleagues that the House passed this reform by a margin of 313 to 108 here and by a margin of 83 to 14 in the Senate.

The time for reform is now. Let us move the measure.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 33, as follows:

[Roll No. 526]

YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hoyer
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)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
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
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Souder

NOT VOTING—33

Burr
Campbell
Clay
Clayton
Clyburn
Coble
Danner
DeLauro
Eshoo
Ford
Fossella
Frank (MA)
Franks (NJ)
Goodlatte
Hayes
Holden
Holt
Hooley
Klink
McCollum
McIntosh
McIntyre
Meehan
Miller (FL)
Myrick
Neal
Pastor
Spratt
Stark
Talent
Watt (NC)
Wise
Young (FL)

□ 1820

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

Messrs. COBURN, DOOLEY of California and CONDIT changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Ose). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, GEKAS, ARMEY, CONYERS and NADLER.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4035

Mr. EVANS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4035.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with a House amendment to the Senate amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York? The Chair hears none and, without objection, appoints the following conferees: Mr. TALENT, Mr. ARMEY, and Ms. VELÁZQUEZ.

There was no objection.

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the ''McKinney-Vento Homeless Assistance Act,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5417

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

SECTION 1. DESIGNATION OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 1 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note; Public Law 100–77) is amended by striking subsection (a) and inserting the following new subsection:

''(a) SHORT TITLE.—This Act may be cited as the 'McKinney-Vento Homeless Assistance Act'.''.

SEC. 2. REFERENCES.

Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the McKinney-Vento Homeless Assistance Act.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. LEACH) is recognized for 1 hour.

Mr. LEACH. Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from New York (Mr. LAFALCE) for the purpose of controlling the minority's time.

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

There was no objection.

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

Mr. Speaker, changing the title of a major piece of legislation may seem like a small step for Congress to take, but it has symbolic meaning to the congressional family.

Changing the name Stewart B. McKinney Homeless Act to the McKinney-Vento Act implies putting the names of two of our most esteemed colleagues together, two colleagues who have passed away, the one most recently. Like Mr. McKinney, Bruce Vento devoted his life to the problems of the disadvantaged. He symbolized much as a friend, he symbolized much as a colleague, he symbolized much as a constructive legislator.

I think, though, it is important to note that this particular bill was suggested by our good friend the gentleman from New York (Mr. LAFALCE). I certainly strongly supported him and am appreciative that our leadership concurred.

Mr. Speaker, I think at this point I would like to turn to the gentleman from New York (Mr. LAFALCE) to outline the causes and background of this bill and certainly to express my strongest support for his initiative.

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

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

Mr. Speaker, first of all I want to thank the gentleman from Iowa. I remember the very first day that the gentleman from Iowa and I discovered that Bruce Vento had incurred cancer. And we talked and we said that Bruce Vento is a very, very special person and we ought to do something very special for him. This is the least we can do.

I love Bruce Vento. I sat next to him for almost 24 years. There are so many things that I could say about him, but maybe more than anything else, Bruce Vento cared. He was a caring, loving human being. He cared about our poor. He cared about our underprivileged. He cared about equal justice. He cared about preserving the beauty of our natural resources. He cared about the rights of consumers. He cared about the future of our Nation's youth. And it is difficult to say what he cared about most. But very possibly he might have cared most about our homeless. And each of these issues, each of these causes has lost a great friend.

Bruce Vento was a great leader, a tireless champion of the poor and the homeless; and he brought such tremendous compassion, intellect, vision, dedication, persistence, tenacity to the work of writing our Nation's laws. It has also been written that all of this to be genius must be accompanied by good sense. And Bruce Vento had good sense which made him a genius of both a person and a legislator.

The bill before us today, cosponsored by each and every member of the Committee on Banking and Financial Services, both Democrat and Republican and countless other Members of this House, would rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act. It is fitting to Congressman Bruce Vento's tireless commitment to the homeless. We will pass this today. I hope it will become law in this Congress.

For 24 years, Bruce was a tireless champion and advocate on behalf of homeless people. And he wrote many if not every law that brings compassion and comfort to our homeless, to our poor and destitute.

□ 1830

Traces of his tireless commitment can be found on any forgotten street in urban America. His commitment can be found in a shelter where families go for a hot meal. His commitment can be found in a vacant building that has been converted into a place where the homeless can find a bed and a roof over their heads.

There is so much more I would like to say, but so many others wish to speak on this bill and on Bruce's behalf, too. I just want to say one thing. He was blessed, too, with a great staff; and I came to know two of them in particular, Larry Romans and Kirsten Johnson-Obey, and so much of Bruce's legislative record was only possible because of their great ability and work, too. They represent the best of what congressional staff can be, and I know that Bruce looking down on us would feel it very important that we make that statement, too.

I urge everyone to support this bill and honor Bruce.

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

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time.

Mr. Speaker, I rise with a very heavy heart tonight. I worked a long time with Mr. Vento on the Committee on Banking and Financial Services. We traded back and forth. When the Democrats were in the majority, he was the chairman and I was the ranking; and alternately when the Republicans took charge, but we always tried best to work together for whatever was good for the American people.

This is very little to-do today but much, much necessary to the visible recognition of Mr. Vento's tireless efforts here in this Congress and certainly in improving the lot of the Nation's homeless. So it is very appropriate, even if it is not enough, but it is very appropriate for us to name this the McKinney-Vento bill in recognition of his tireless work.

I will not go into the full explanation. The gentleman from New York (Mr. LAFALCE) has very nicely outlined the work that Mr. Vento has done, but let me give a few other personal observations. He certainly was a major force behind the 1987 law that established the emergency shelter grant program for traditional housing, as the gentleman from New York (Mr. LAFALCE) has outlined; and, of course, his activities on the Committee on Resources are outstanding. I was privileged to work with him closely on the Committee on Banking and Financial Services, and I remember as a relatively

new member of the committee when he gave leadership with the Resolution Trust Corporation and the task force.

As I remember it, it was a task force that oversaw the cleanup of the savings and loan debacle of the 1980s. I will say, it was a good example of how Mr. Vento always maintained his standards on behalf of the people; financial integrity and intellectual integrity and personal integrity, and it was a good example of that. But I guess there was never an action that we took on the Committee on Banking and Financial Services, whether it be on homelessness or whether it was on financial modernization or on savings and loan cleanup, his contributions always displayed that he was an advocate for the people to improve their lives. Knowing him as I did, I can say that he had a heart and a soul, and we recognize him today for that.

I guess I also want to say that we did not agree on every issue. There were issues on which we agreed to disagree, but I will say it was a symbol of his stature of integrity and honesty and professionalism that we could always agree to disagree, but there was never any personal bickering or animosity; and there was always the respect of a gentleman and a scholar.

We are going to miss him desperately. I know I am and others in this Congress are going to miss him desperately, but I have to say in addition to what we are doing tonight, I for one am speaking now only for myself, nevertheless recognize the health issues and concerns that are integral to his passing; and I believe that whatever else there is that needs to be done, and there is some unfinished business out there with respect to the asbestos questions with relationship to housing and other uses of asbestos in our communities, but I think we also have to recognize that there has to be renewed effort and research and expanded research, as much as we have done this year on cancer research. But we will have to redirect efforts next year, or rather expand efforts not redirect them, expand them next year, with the recognition of the loss of our beloved and honorable colleague, Bruce Vento.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I would like to join with our chairman of the Committee on Banking and Financial Services and ranking member in paying tribute to Bruce Vento. Bruce was the sort of fellow that was a real legislator, a quiet, gentle man.

I came to the Congress a number of terms after Bruce, but I was always impressed with the fact that he would willingly offer his insights as to how the Congress operated and how we could best serve our constituents. Speaking of constituents, Bruce really had two: that excellent district he represented in Minnesota but also all the needy and homeless people of America. Their benefits over these last many years, although they probably have no awareness of the fact, are to a great deal due to his ever-present desire to see that the American government recognized that there are needs in this country that must be served, and he was their best ambassador and representative to serve those needs. I think it is most fitting that we tie Bruce Vento to the McKinney Act, because in a way Stew McKinney had some of the same characteristics of gentleness that Bruce had; an able legislator, not a partisan but a person that worked with real integrity. I suspect Bruce and Stew will be in conversation now; and we in the Congress, we in America, are poorer for their passing but inevitably as life makes its cycle we all come to pass.

I am very pleased and honored to join the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) in supporting this resolution, and I hope that we have the full support of the entire Congress.

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding and this opportunity to speak.

Mr. Speaker, I rise as a cosponsor and strong supporter of H.R. 5417, legislation to rename the Stewart McKinney Homeless Assistance Act as the McKinney-Vento Homeless Assistance Act. To borrow a line from our 16th President, arguably our greatest President, Abraham Lincoln of Illinois, it is altogether fitting and proper that we honor our recently departed colleague, Representative Bruce Vento of Minnesota, in this way. After all, if it were not for Representative Vento and his determined efforts, the Stewart B. McKinney Assistance Act would never have been created.

Bruce Vento was one of the earliest and strongest proponents of enacting a major Federal legislative response to homelessness. His tireless efforts were rewarded with the enactment in 1987 of the McKinney Homeless Assistance Act, but his dedication to homelessness did not stop there. Up until the very end of his life, Representative Vento remained a vocal and true champion of homeless assistance programs. The success of the McKinney Act in helping hundreds of thousands of Americans regain the stability in their life is testament to the foresight, hard work and character of the man who helped to shape this law. In celebration of this success and of the gentleman's distinguished congressional career, it is only fitting that the act on which Bruce Vento worked with such passion is renamed in his honor, and I am very honored to be on this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, it is with a heavy heart that I join my colleagues in adding our colleague, Congressman Bruce Vento's, name to this important legislation. We all knew that some day Members of Congress would stand here in the well of the House to praise Bruce's many accomplishments. It is truly sad that this day has come so soon.

In my years in Congress, I have enjoyed a close working relationship with Congressman Vento as colleagues on the Committee on Banking and Financial Services. The Committee on Banking and Financial Services deals with some of the most complex issues in all of Congress. Bruce put in the time and mastered the range of complex issues. As a teacher himself, prior to coming to Congress, he became a resource to all committee members, providing counsel on a host of complex issues from financial modernization to intricate housing programs.

All along the way, Bruce served as a tireless advocate for all consumers. He truly stood up for the working people time and time again. He made it his focus to ensure that individual's rights are protected when they do business with the most powerful banks and financial companies in the world. His legacy on the committee and his impact on consumer banking law will live for decades to come. It is truly appropriate that we add his name to this legislation, the aim of which is to aid the homeless. Providing housing for the less fortunate was part of Congressman Vento's daily work. President Clinton said it best yesterday at a White House event saying, and I quote, ''that Congressman Vento was a great teacher, a great representative and a wonderful human being.''

Let me convey to Congressman Vento's family, his friends, his dedicated long-time staff here in Washington and Minnesota, and to the people of Congressman Vento's fourth district my strongest and heartfelt condolences.

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

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I want to rise in strong support of this bill, and I commend the chairman and the ranking member for their work on this. The people of Minnesota clearly have suffered a loss in the passing of Bruce Vento, but so have the American people; and also, I think all of his colleagues on the Committee on Banking and Financial Services and his colleagues on the Committee on Resources as well.

I had the opportunity to serve with Bruce for the last 6 years, and I found

him as one who could be a mentor, who could be an ally, occasionally he was an adversary but he was always an honorable one in any role that he played.

Having sat through numerous hearings with him, having traveled with him, it is hard to understand the level of institutional knowledge that has been lost in his passing.

I dare say that Bruce Vento's fingerprints are probably on every major piece of financial legislation that has passed this Congress in the last quarter century and every major piece of environmental legislation, national parks legislation, that has come through this Congress.

We, as American citizens, owe him a great debt of gratitude. Bruce was one who was willing and steadfast in his support of the American consumers, of the average working men and women of this country; of ensuring that their rights were protected; ensuring that our environment was protected, but Bruce was also one that at the end of the day felt it was his role, I believe, as a Member of this House to get something done.

He was willing to reach across the aisle, to reach that bridge across issues that divided members on the committees and in the House, between this body and the other body, to get legislation passed that in the end would do good for the American people.

□ 1845

I just want to say that I think it is extremely fitting that his name be added with McKinney's name to the homeless act, and I commend the chairman and the ranking member for doing that.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to echo the sentiments that have already been expressed by so many on this floor, but also so many throughout America.

I first knew of Bruce Vento through one of his fellow Minnesotans who moved to the community where I live in Chicago, Al Arcello, who was actively involved in prevention programs.

He said to me when I came, you ought to get to know Bruce Vento, and get to know him I did. I got to know him through his work, through observation of his sensitivity and his ability to reach out, especially to those who are sometimes called the least ones in our society, those who are untouchable, unreachable; the homeless, those that we do not always see.

I serve on the board of directors of a homeless newspaper, Streetwise. I can tell the Members, from all of those who sell Streetwise, all of those who have benefited from assistance to the homeless, I say on their behalf, we thank Bruce Vento for reaching out and representing those who oftentimes are left behind and not represented.

Mr. LAFALCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise this evening in support of H.R. 5417, to rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act.

I am very proud to join with my colleagues in doing this and paying tribute to a very, very great human being, a great legislator, a great and important and respected Member of the United States Congress, now deceased.

I am very proud that I have had the opportunity to serve on the Committee on Banking and Financial Services with Mr. Vento. I am very proud and pleased that I came to this Congress at a time when many of the great minds still held forth in this Congress.

Mr. Vento was one of those Members who was an expert in the field of banking and housing and the wilderness. He exemplified the best in what a legislator could and should be all about.

This that we do today is but a small tribute to him, because when we review the tremendous contributions that he has made to this country and to this Nation, one could understand why we would readily want to in some way show our appreciation for all that he has done for all of us.

Mr. Speaker, it was said today when I had a discussion with one of my former staff members that he remembered Bruce Vento because he always concerned himself with these questions: How will this measure impact the environment, and how will this measure impact low- and moderate-income communities?

Mr. Speaker, this is very important to me and to members of my staff. We work for the least of these. We do our best to represent poor people and to represent working people, and to represent folks who do not oftentimes have any way of connecting to the great policy-making bodies, either at the local, State, or Federal level.

So when we see legislators who do not have to necessarily spend all of their time trying to represent working people or poor people, we are extremely appreciative for that. Mr. Vento was such a legislator. The work that he has done, both for the wilderness and the homeless, is appreciated in so many ways.

In 1994, the Wilderness Society honored Bruce Vento with its prestigious Ansel Adams conservation award. That is just, again, a small token for the work that he has done to ensure the continued viability of millions of acres of wilderness lands, forests, and precious national parks from Alaska to American Samoa to the Boundary Waters Canoe Area in Minnesota.

With the preservation of these lands, the Earth itself has prospered from the passion of Bruce Vento. Again, the work that he did for the wilderness and the preservation of our precious national parks was matched by the work that he did defending the rights and humanity of the homeless. He saw his work for the homeless as a defense of human rights.

I am hopeful that what we do here today not only inspires us, but many others yet to come who will some day serve in this body so that they can understand that they, too, can have an impact on the direction of this Nation and of this world; that they, too, can come here with a vision for what is good for this country, what is good for human beings, and work in ways that will help to better this society.

I join my colleagues here today to say to our friend, our colleague, Mr. Vento, we are going to miss him. We are going to miss all that he has taught us and the ways that he led us, but we are going to remember him in this small way, by the renaming of this legislation. With the renaming of this legislation, the work that he has done will live on and will never be forgotten.

Again, I am very appreciative for the opportunity to have served with Mr. Vento.

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

Mr. Speaker, I would like to just stress a couple of things about the life of Bruce Vento. He was a wonderfully committed legislator who combined compassion with practicality; who had populist concerns, but not a populist hate.

The committee that I served with Bruce on, the Committee on Banking and Financial Services, has jurisdiction over banks and housing and over the economy, in some ways. It is interesting to me that in Bruce's work, he was not against any individuals or institutions.

In fact, he was a liberal Democrat who rather liked banks, especially smaller banks, and especially community banks. He just understood that it was important, if you have a banking system, that that system serves all Americans. So his emphasis as someone in the banking community was never to be against anything, but to be for better ways for banks to serve. That is one reason that he developed such an interest in ensuring that competition was maintained and that investment was maintained in various aspects of our communities.

Part of this relates to the American dream. All of us have various feelings about what the American dream is. One is that it includes a home. Well, issues of the homeless concern people that by definition have been deprived aspects of the American dream. We

have all come to understand to some degree, and none of us as deeply as we should, that homelessness is not simply an aspect of someone without a structure. It usually involves a whole group of societal problems. Some of them might be psychiatric, some might be elements that relate to addictions, and sometimes disease itself.

Mr. Speaker, the problems of the homeless came to the attention of Congress rather late. In fact, it is astonishing how little attention public bodies paid to this problem. But because of Bruce, we started to.

About 13 years ago, finally the law was enacted. When that law was enacted, and a number of people had roles in ensuring that it came about, Bruce led the way. Then, as it was about to be enacted, it was revealed that one of our Members, this one on the Republican side, who was a man of some substance but had an ailment, in this case an ailment sometimes identified with the homeless, he got pneumonia related to a social disease called AIDS.

This Republican stood up for people that had problems sometimes analogous to his own, sometimes much more serious. Bruce Vento suggested that the bill be named for him; that is, it was Bruce Vento's idea and his argument that this initiative that came largely from the majority party, the then the majority party, the Democratic Party, would be named for a Republican, Stewart McKinney.

I think nothing could be more appropriate, as we look at the life of Bruce Vento, a man who had a disease related to a different kind of social problem, one that relates to industrialization, asbestos, that he should have his name associated with the McKinney bill, which was actually from the beginning more a Vento bill. So this became the Vento-McKinney bill.

I would also like to comment as someone who, from a more distant perspective, followed the career of Bruce in his advocacy of our national park system.

Bruce basically picked up the cudgels of the Udall family and has become the greatest congressional champion of our national park system. Part of this which is interesting to me is not only the issue of parks and their role in society, but parks stand in the American dream not only with the notion of the West and the great body of forest and mountains that is our country, but they are basically second homes available to all Americans, whether those Americans actually earned them or not at a particular moment in time. They are refuges for everybody.

In a way, the national park system that Bruce was such a champion of was a home circumstance. So Bruce Vento leaves as his mark on this body not only the notion of standing up for concerns for the homeless, but also for ensuring that all Americans have a second home at any point in time within our national parks.

Finally, let me just conclude with a couple of observations of a very personal level. Bruce was a very committed individual with an absolutely infectious laugh. He also had a very sardonic wit, particularly to those he opposed. Sometimes my party was more the beneficiary of the second than the first.

But interestingly, in this era in which we talk about nonpartisanship and bipartisanship, Bruce gave a very good name to the word ''partisan.'' Bruce was a partisan Democrat, but he was always with decency and always with humor, always with a sense of perspective. This is one of the things so many of us loved very much about Bruce.

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Finally, I would like to echo a comment that my good friend, the gentleman from New York (Mr. LAFALCE), made about a staff member, because I think it symbolizes a great deal. The congressional family is a wide family and Larry Romans who worked with Bruce was as much an alter ego as anyone could be. On legislation, he certainly played a larger role than most Members of Congress. I think that is something that only Members of Congress truly understand.

So our heart goes out to Bruce's family, his three kids, his wife, and also his staff.

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

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

Mr. Speaker, I think we have heard just a few of the sentiments that the Members of Congress have, feel, share about our beloved brother Bruce. The words of the gentleman from Iowa (Mr. LEACH) were especially eloquent. I thank the gentleman for making them so eloquently, and I know Bruce appreciates them.

When I think of the accomplishments of the past two Congresses when I have had the pleasure of serving as either the de facto or de jure ranking member, none of them would have been possible without Bruce. When we think of credit union reform, I did not attend a meeting in my office without Bruce Vento by my side.

When I think of the meetings that we had on what some have said is the preeminent legislative enactment to this Congress, the financial services modernization, the Graham–Leach-Bliley bill, it would not have happened without Bruce, the ranking member of the Subcommittee on Financial Services and Consumer Credit, because it required understanding and it required compromise and it required tenacity and goodwill, balance, perseverance; and it was essential that Bruce be there. It would not have happened if Bruce had opposed it.

It would not have been shaped the way it was without Bruce helping to shape it; that is the business side of the job. That is extremely important, but there are so many other things that go into this Congress, the intangibles, when we get to know an individual. I probably knew Bruce as well as I knew anybody in this body.

I have been on a few trips in my tenure in Congress. I never went on a trip when I did not ask Bruce to come with me. He came with me most of the time. One of the great values of the trips is not just learning about other countries and other people, but coming to know your colleagues, too; and we came to know each other so very well.

We shared so many things together: shared values, shared meals, shared wine. We shared a common heritage not just as Americans, but as Italian-Americans, and Bruce was so proud of that heritage. He knew how to live and he knew how to die, and he lived right.

He worked hard and he played hard. He worked by the rules. He played by the rules. He knew how to be ferocious. He knew how to laugh. Traveling with him was always a great pleasure because we knew he worked and worked hard, so we could be proud of the trip; but we knew that he would love it and make it an enjoyable trip the entire way, too.

Bruce started out his career as a teacher and then he came to Congress, but throughout his entire congressional career, he taught us a great many things. For most of his 24 years, he taught us how to live, and for the last 6 months or so he taught us how to die. We honor ourselves when we honor Bruce by naming this homeless bill the McKinney-Vento homeless bill.

Mr. Speaker, I insert the following article for the RECORD:

BRUCE VENTO: JUST ANOTHER GUY FROM THE EAST SIDE WHO WENT ON TO DO GREAT THINGS

(By Garrison Keillor)

There was a dinner in Washington, D.C., Tuesday night to honor a guy from St. Paul's East Side.

The president dropped by and dozens of U.S. representatives, Republicans and Democrats. And at the end, when the guy from the East Side stood up to say his piece, he got a long, long standing ovation. You could have gone around the room and stolen everyone's dessert, they were so busy applauding him.

Congressman Bruce Vento, a modest man and a hard worker, is stepping down after 24 years representing the 4th Congressional District, and I must admit I voted for him all these years because I'm a yellow-dog Democrat and he's a Democrat. So now I'm a little taken aback to see what a good man he is who I unthinkingly supported all these years.

This isn't how our civics teachers taught us to exercise the franchise, but a person doesn't have oceans of time to study up on candidates. I sure don't. I heard Mr. Vento speak once years ago, speak very movingly about the problem of homelessness and about the importance of wilderness, and that was good enough for me. But if he had stood on

his hind legs and barked, I still would have voted for him.

Wilderness preservation and the plight of the homeless are not issues that pay a big political bonus. You become a wilderness advocate and you're going to be hung in effigy and yelled at by large men in plaid shirts. Homeless people tend not to turn out in numbers at the polls.

But Mr. Vento applied himself to the issues he cared about, did his homework, made the rounds of his colleagues, carried the water, dug the ditches, fought the good fight, made the compromises, and wrote the landmark legislation that became law and that made a real difference in the world. And I'm not sure how many of us in St. Paul are aware of this.

There have been only three congressmen from St. Paul in my memory, and that covers 50 years. Gene McCarthy, Joe Karth, Bruce Vento—all DFLers, all good men and all of them got to Congress on the strength of yellow-dog Democrats like me. They got re-elected simply by doing their job, representing working people, speaking the conscience of the Democratic Party, and applying themselves to the nuts and bolts of Congress.

A political party serves a big function that TV or newspapers can't. It pulls in idealistic young people, puts them to work in the cause, trains them, seasons them, and gives the talented and the diligent a chance to rise. If it can produce a Bruce Vento, then a party has reason to exist, and if it can't, then it doesn't. Simple as that. Then it fades, as the DFL has.

People say it's inevitable for political parties to fade, part of the loss of the sense of community, blah blah blah, that people are cynical about politics and more interested in lifestyle and media and so forth, but we are poorer for the loss of parties and the devaluation of endorsement.

Bruce Vento never could've gotten elected in a media-driven campaign, the sort in which high-priced consultants and media buyers spend 15 million bucks to make the candidate into a beautiful illusion.

Mr. Vento is the wrong man for that kind of politics. His eyebrows are too big; he isn't cool enough. He is a modest and principled and hard-working guy, but you couldn't put this over in a 30-second commercial. He managed to get to Congress because there was a strong DFL party that endorsed him, and so voters like me pulled the lever and gave Mr. Vento the wherewithal to be a great congressman. Which he, being a true East Sider, never told us he was. But which I now think he was.

Unknowingly, we did something great in sending him there. And our partisan loyalty gave him the freedom to take on thankless tasks, like protecting wilderness and dealing with the homeless.

I sat in the back at Mr. Vento's dinner and thought what a shock it is when you realize that the country is in the hands of people your own age. You go along for years thinking it's being run by jowly old guys in baggy suits and then you see that the jowly old guys are people you went to school with.

Mr. Vento is about my age, and I feel for him. He is fighting lung cancer and it has taken its toll on him. He looks haggard but game.

His three boys were at the dinner in Washington, and their wives, and the event felt like a real valedictory. If Mr. Vento had wanted to make us all cry into our pudding, it wouldn't have taken much.

But he was upbeat and talking about the future and about national parks and the decoding of the human genome and saying, ''All we need to do is take this new knowledge and apply it to public policy,'' and thanking everybody and grinning, and you had to admire him for his command of the occasion.

A man who is desperately ill and on his way out of public life stages a dinner that raises money for a scholarship fund for teachers. Bruce Vento is a man of great bravery and devotion and foresight who represented us nobly in Congress, whether we knew it or not.

Mr. GEPHARDT. Mr. Speaker, today, we say goodbye to a good friend and colleague, Bruce Vento.

Bruce was a humanitarian in every sense of the word.

He called environmental issues his one ''true passion'' and he pursued that passion in a way that lifted up all Americans.

He was a strong leader in the Committee on Resources with a keen understanding of environmental issues.

He worked to protect and strengthen America's national treasures—our urban parks, our public lands, and other public resources, and he fought for tropical rain forests and the Arctic National Wildlife Refuge.

He believed in making our country not just a wealthy country but a beautiful country, marked by forests, rivers, mountains and streams that all American could visit and enjoy.

Bruce was ''a hero'' who had ''done more for parks than anyone I know,'' one of his fans said of him.

Bruce was also special because he cared so very deeply about all people and the sanctity of the places in which they lived.

He earned a reputation as a strong advocate for the homeless, and it was well-deserved. He tried to lift people up through better housing and emergency shelter, a powerful reminder that this country should not leave behind anyone.

Bruce spend the last decade working for the Hmong people who fought on the side of the United States in the war in Vietnam, and who were trying to become citizens of our country.

He was also a tireless advocate for consumer protections as a senior member of the Banking and Financial Services Committee.

A strong voice for his constituents, a beloved son of the state of Minnesota, Bruce represented that state's 4th district with dedication and commitment to his party and to the people he represented.

Bruce and I entered Congress in the same year and my journey through this institution is bound with Bruce's journey. I am proud to say that I had a wonderful colleague, a good friend, and a man who will be sorely missed not just by me, but by a nation that prides itself on a commitment to democratic values, a safe environment and humane treatment for every American.

We will miss you Bruce.

Mr. LAZIO. Mr. Speaker, I rise today with a heavy heart as the House pays tribute to the distinguished work or our friend and colleague, Bruce Vento.

It is appropriate that we recognize his lifelong work as a champion of the homeless by renaming the ''Stewart B. McKinney Act'' the ''McKinney-Vento Homeless Assistance Act.'' In 1987, it was Bruce who led the efforts to enact a comprehensive homeless assistance program, named after his late colleague and friend, Stewart McKinney, then the Ranking Republican on the Housing Subcommittee.

I am privileged to have worked closely with Bruce over the last several years, in particular, on homeless reform legislation designed to focus efforts on permanent housing and the hope of ending homelessness forever. As the Chairman of the Subcommittee on Housing and Community Opportunity, I have known no other that has been more sincerely dedicated to the problems associated with homelessness and families in need of affordable housing. He will be missed.

Life is fleeting, for us all. But what we do while we are here can affect so many and have such a lasting impact. Bruce's tireless work has made and will continue to make a real difference in countless lives of those less fortunate.

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

The SPEAKER pro tempore (Mr. TANCREDO). Without objection, the previous question is ordered.

There was no objection.

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

The bill was ordered to be engrossed and read a third time, was read a third time, passed, and the motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5417.

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

There was no objection.

MODIFYING RATES RELATING TO REDUCED RATE MAIL MATTER

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. MCHUGH) to explain his request.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I will try to be very brief, but I do think it is important to put out for the RECORD a few comments about this bill. It is a privilege. The Senate passed this legislation on October 6, and it was sponsored in the other

body by the chairman of the Subcommittee on International Security Proliferation and Federal Services, the gentleman from Mississippi (Mr. COCHRAN), and cosponsored by all members of that subcommittee.

I would also note, Mr. Speaker, that an exact similar provision was introduced in this body, in the House, by the gentleman from Pennsylvania (Mr. FATTAH), the ranking member on the Subcommittee on Postal Service, a cosponsorship of which was also entered by many Members of this body. So although we are proposing tonight to adopt under unanimous consent the Senate bill, I want it very clearly noted that it in no way represents a lack of interest or activity in this House. Simply put, this is an extremely important piece of legislation to ensure the financial viability and survivability of nonprofit mailers, the kinds of nonprofit mailers that all of us have and enjoy in our communities, churches, charitable organizations, educational publications, and so many others.

This is based on a very technical concern that arises out of a recent rate case for the United States Postal Service. Simply put, through the evolution of rates-setting for not-for-profit mailers who have historically enjoyed a somewhat lesser rate for mailings, for very good reasons, in my judgment, than, say, commercial mailers, this rate case produced some aberrations and some unusual circumstances that, if enacted and if allowed to go forward, would have had a very serious impact on the profitability of not-for-profits, also on the ability of those very important organizations to reach out to their membership to disseminate important information with respect to their activities, and, of course, to engage in fund-raising that is vital to their continued existence.

This bill, the Senate bill, S. 2686, provides relief to the category of mail that provides for these kinds of materials, also for educational magazines, for students in kindergarten through high school.

I think they are the type of publications even someone of my rather advanced years remembers from my days in grammar school and through high school and continue today in their importance in education purposes in our schools.

This legislation provides that both nonprofit mailers and classroom publications receive the same treatment and thereby ensuring that future rate increases for both of these important mailers are predictable.

I want to note that I certainly strongly support the recommendation in the report language attendant to the Senate bill that the rates coming out of this step would be monitored to evaluate the impact postal rates have on the general economic capability of these mailers to determine if there might not be some future and more fundamental resolution to the concerns of particularly classroom publishers.

The postal service, in my view, and in the view of the language attendant thereto, must certainly work to help examine alternatives to ensure that those postal rates for the invaluable classroom periodicals and teachers' guides remain at a price that ensure their availability and affordability to all classrooms.

It is also important to note, lastly, Mr. Speaker, that this bill contains a provision that would alleviate the potential impact deriving from the changes herein on regular rate payers, the folks that use the mails each and every day for their important business, for their correspondence in rate cases before the postal rate commission.

Simply put, the provisions in the bill provide that the estimated reduction in postal revenue from nonprofit categories caused by this legislation on the new rate-making rules is to be treated as reasonably assignable costs of the postal service, and that simply means that those costs should be apportioned among all of the various classes of mail and types of postal services in accordance with the existing provisions as they are contained in the United States Code title 39.

It is a very technical way of saying, Mr. Speaker, that this cost in providing assistance for not-for-profit and educational materials will not be exclusively borne by the folks out there buying the 33 cent stamp into the future. If we did not do this and if we did not take this step, Mr. Speaker, we would simply find that rates for nonprofits would have of necessity and under the pending rate case soar up to 35 percent and more in some cases. Obviously, as I mentioned earlier, that kind of increase would make the essential viability, the primary existence of these invaluable services, really bring it into question.

Mr. Speaker, I think the Senate has done good work here. As I mentioned, because of the hard work of the gentleman from Pennsylvania (Mr. FATTAH) and so many others in the House, we have an exact similar provision, and I think it is wholly appropriate that we through this process of unanimous consent accept the Senate language tonight. I thank the gentleman from Illinois (Mr. DAVIS), a very valuable Member of the House Subcommittee on the Postal Service, for yielding to me.

Mr. Speaker, it is my privilege to speak in support of S. 2686. The Senate passed this legislation on October 6. It is sponsored by the chairman of the Subcommittee on International Security, Proliferation, and Federal Services, and cosponsored by all members of that subcommittee.

This is legislation is extremely important for the financial viability and survival of nonprofit mailers, such as churches, charitable organizations, education publications and others. It addresses technical problems in the setting orates for nonprofit mailers. Essentially, it locks in the current rate relationship between nonprofit and commercial rate mail.

The history of special rates for nonprofit mail rates dates back prior to the Postal Reorganization Act of 1970. They were known as "preferred" categories and included Nonprofit and Classroom Periodicals; Nonprofit Standard (A) Mail; Library and Educational Matter; and In-county Publications. These categories were entitled to reduced rates of postage under those postal laws, and the Postal Reorganization Act continued the preferred rates for these categories. After a certain period of time, these categories of mail were required to cover their attributable costs, but they were not required to cover any institutional costs, as required of other categories of mail. Congress made annual appropriations to reimburse the Postal Service for the "revenue forgone" reimbursement which was the difference between the revenue received from preferred mailers and the revenue that would have been received if the reduced rate provisions had not been enacted. However, in 1993, Congress enacted the Revenue Forgone Reform Act as a deficit reduction measure, ending the annual federal (taxpayer) subsidy for preferred rates of postage and providing for a more equitable apportionment of institutional cost among regular- and reduced-rate mailers. It was designed to gradually phase in the increases for reduced-rate mailers, ending in 1998. At the end of the process, the institutional cost for preferred rate was to equal half of the institutional cost of the comparable commercial rate, thereby ensuring that reduced-rate mailers continued to contribute to institutional costs.

The application of this new formula had some problematic effects and there were significant rate swings because of underlying costs. The "one-half mark up rule" as it was known, made it difficult for the Postal Service and the Postal Rate Commission to alleviate the price effects of cost changes for reduced-rate mailers. If costs for a nonprofit subclass changed significantly, the rates also followed suit because the mark up could not be reduced to lessen the impact of the cost, as it available to prevent rate changes in commercial subclasses. Therefore, cost changes translated into rate changes.

An aberration occurred for Nonprofit and Classroom Periodicals because the complexity of the rate structure and the low markup for commercial subclass could yield rates that were lower for a commercial publication than for a similar nonprofit publication. The provision enacted to help nonprofit mailers, the one-half mark up rule, made it difficult to create a remedy.

S. 2686 provides relief to the category of mail that provides educational magazines for students in kindergarten though high school. Undoubtedly this type of publication is essential and important in classrooms. The legislation provides that nonprofit periodicals and classroom publications receive the same treatment. Therefore, it would ensure that future rate increases for both categories are predictable. I support the strong recommendation in the report language, which accompanied S.

2686, that the rates be monitored to evaluate the impact postal rates have on the economic capability of these mailers and to determine if there is a need for more fundamental resolution to the rate concerns of classroom publishers. Additionally, I agree that the Postal Service must examine alternatives to help ensure those postal rates for classroom periodicals and teacher guides remain at that price that ensures their availability and affordability to all classrooms.

Discrepancies were found for Standard (B) publications. The classification for Library and Educational Matter overlaps with the classification known as Special Standard Mail. Both classifications contain books and sound recordings but Special Standard Mail does not require either the mailer or the recipient to be a library, educational institution, museum, herbarium, or nonprofit institution. The relatively small volumes in the Library and Educational matter category make it difficult to collect adequate ratemaking data.

These problems are addressed in S. 2686 by locking in the current rate relationship between nonprofit and commercial rate mail. This is accomplished by setting Nonprofit Standard (A) rates to equal, as nearly as possible, 60% of the estimated average revenue per piece from the corresponding regular-rate subclass. Nonprofit and Classroom Periodicals would be set so that postage on each mailing would be, as nearly as practicable, 5% lower than the postage for a corresponding regular-rate mailing. But, this discount would not be available to the advertising portion of a mailing if it exceeded 10% of the publication. Library and Educational Material rates would be set so that the postage on each mailing would be, as nearly as possible 5% lower than the postage for a corresponding regular-rate mailing.

Additionally, this legislation contains a provision to alleviate the impact of the changes on regular-rate payers in the postal rate case before the Postal Rate Commission. Under this provision, the estimated reduction in postal revenue from Nonprofit Standard (A) mail caused by the enactment of the new ratemaking rules is to be treated as a reasonably assignable cost of the Postal Service to be apportioned among the various classes of mail and types of postal service in accordance with existing provisions in title 39 of the United States Code.

Should this legislation not be enacted we would find that rates for nonprofit mail would of necessity, under current law and under the pending R–2000–1 case before the Postal Rate Commission, soar up to 35% and more in some cases. These recommendations would cause some nonprofit rates to be higher than commercial rates in that category. The passing of S. 2686 would affect positively all those nonprofit and educational organizations that we all care about so deeply. It would bring relief to nonprofit mailers and would protect them from double-digit increases in postal rates. I urge all our colleagues to support this very important legislation.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving the right to object, I join in this unanimous consent request and would like to thank the gentleman from New York (Chairman MCHUGH) and his staff, Robert Taub and Heea Vazirani-Fales, for their hard work in ensuring the compromise on this matter, also Ed Gleiman for his efforts to keep Congress focused on fixing the problem, Neil Denton of the alliance for keeping the coalition together and on track. And even in the face of last minute challenges, the postal service for being proactive, and Nanci Langley, deputy minority staff director for the Senate Subcommittee on International Security Proliferation and Federal Services for all of her help and support.

Mr. Speaker, I also commend and thank the gentleman from Illinois (Mr. BURTON), chairman of the Committee on Government Reform, for keeping all of the parties together for the good of the nonprofit community.

As was indicated, this legislation was approved by the Senate on October 6. It is identical to H.R. 4636, of which I am also pleased to be an original cosponsor.

Of course, this legislation would change the way that postal rates are set for nonprofit periodicals, Standard A and library rates. Essentially, it would lock in the current rate relationship between nonprofit rates and their commercial rate counterparts.

For nonprofit periodicals, this would mean a 5 percent discount off the nonadvertising portion of the commercial rate. For nonprofit Standard A, rates would be calculated to reflect the roughly 40 percent discount. Library rates would enjoy a set 5 percent discount off the special standard rates.

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The bill is obviously good. It is necessary, because the formula passed in 1993 has become ineffective. In fact, the U.S. Postal Service has difficulty measuring the costs attributed directly to nonprofit mail, so the costs have been steadily rising.

This year, the U.S. Postal Service admitted that its data did not adequately represent certain categories of nonprofit mail's real costs. The legislation would positively change the approach to setting nonprofit rates. If passed, nonprofit rates would be a percentage of the commercial rates, therefore ending the reliance of inaccurate costing figures.

Nonprofit and noncommercial mail costs would always be compiled and counted together, greatly improving the accuracy and reliability of the Postal Service data and stabilizing nonprofit rates.

As was indicated, the legislation is supported by the U.S. Postal Service, the Alliance of Nonprofit Mailers, the Magazine Publishers of America, the Direct Marketing Association, the Association for Postal Commerce and numerous other organizations.

I am pleased and delighted that we have been able to work together in such a nonpartisan way under the leadership of the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member. I thank both of them for the leadership that they have provided to the Subcommittee on Postal Service this past session and certainly wish them well as we get ready to close and look forward to working with them again next year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from New York.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2686

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

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.''.

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

''(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

''(i) the estimated costs attributable to such class of mail or kind of mailer; and

''(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).''.

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

''(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

''(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.''.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United

States Code, is amended by adding at the end the following:

''(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

''(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

''(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

''(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.''.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

''(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.''.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking ''4454(b), or 4454(c)'' and inserting ''4554(b), or 4554(c)''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2686.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair redesignates tomorrow, Thursday, October 12, as the time for further proceedings on the seven motions to suspend the rules that were debated on Tuesday, October 10, on which further proceedings were postponed.

SPECIAL ORDERS

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

UNIVERSITY OF CALIFORNIA SANTA BARBARA SCIENTISTS RECEIVE NOBEL PRIZES

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

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to excellence on the campus of the University of California at Santa Barbara.

As Members of the House may know, the Nobel Prizes for chemistry and physics were awarded this week to two brilliant members of this wonderful university in my congressional district. I want to take this opportunity to congratulate Professors Alan Heeger and Herbert Kroemer for their outstanding work.

Herbert Kroemer, an engineering professor, was awarded the Nobel Prize for Physics for helping to develop cutting edge laser technology. This technology is widely used today in the Internet's fiberoptics network and consumer goods like CD players, bar code readers and laser pointers. His work has given us the communication tools that are powering our new economy and helping America to dominate the world in technology.

Professor Kroemer has been at UCSB since 1976. Prior to that, he worked in research labs in the United States, in Germany, and at the University of Colorado.

Arriving at UCSB, he persuaded his department to focus its research efforts on emerging compound semiconductor technology and helped the University to become a leader in this field. We are grateful for his foresight and dedication.

Physics Professor Alan Heeger won the Nobel Prize for Chemistry. Many people believe that his work on electrically conducting plastics will revolutionize computing. It is expected that this new field of chemistry will provide ways to produce flat-screen TVs, plastic roll-up computer screens, and molecular computers smaller than watches.

Professor Heeger has been at UC Santa Barbara since 1982. He has also taught at universities in Pennsylvania, Utah, and in Geneva. He has won numerous awards, including an Alfred P. Sloan Fellowship and a John Simon Guggenheim Foundation Fellowship. His lifetime dedication and work has developed a new field of study, and enormous new opportunities, at the intersection of physics and chemistry.

A member of the Royal Swedish Academy of Sciences noted that these two prizes are about the electronics of today and the electronics of the future. I certainly agree.

Mr. Speaker, these two gentlemen reflect the high quality of research and instruction found throughout the University of California system and especially in my heart at the University at Santa Barbara.

UC Santa Barbara Chancellor Henry Yang noted yesterday that Professors Heeger's and Kroemer's work are examples of the kind of interdisciplinary research that are a hallmark at this campus, UC Santa Barbara. I know that the central coast of California reaps the benefits of this wonderful institution on a daily basis.

I have a long history with UC Santa Barbara. My husband was a religious studies professor there for more than 30 years, and that was before he came here to Congress. I received my master's in education there a few years back, and our son is also a graduate of UC Santa Barbara. Many of my staff were students there as well. It is a wonderful institution which has opened the doors of opportunity to millions of people, both young and old.

Mr. Speaker, I congratulate Professor Kroemer, Professor Heeger for this tremendous recognition and for the extremely wonderful contributions they have made to the University of California at Santa Barbara and to our society. The entire central coast is proud of their achievements and proud that they call UCSB home.

TRIBUTE TO THE HONORABLE RALPH REGULA

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

Mr. NETHERCUTT. Mr. Speaker, I rise to pay tribute to the gentleman from Ohio (Mr. REGULA), my good friend and colleague.

The gentleman from Ohio has served with distinction for the past 6 years as the chairman of the Subcommittee on Interior of the Committee on Appropriations. During that time, he has worked tirelessly to make Federal programs work better for the American public. From day one, the gentleman from Ohio (Chairman REGULA) rolled up his sleeves and got to work identifying critical issues that needed to be addressed, has, throughout his chairmanship, asked tough questions on how the taxpayers' money is being used and how effectively the Federal bureaucracy is working.

The Subcommittee on Interior of the Committee on Appropriations funds all

the National Parks, the National Forests, Wildlife Refuges, and public lands in this country. Those lands comprise more than one-third of the land base in this country.

The subcommittee also has funding responsibility for American Indian and Alaskan Native programs, critical energy research, and many cultural programs such as the Smithsonian Institution.

When the gentleman from Ohio (Mr. REGULA) took over as chairman of the subcommittee in 1995, he immediately focused on targeting critical core programs for funding and eliminating programs that had outlived their usefulness or were duplicative of other efforts. As a result, five agencies were eliminated, and over 50 other programs were terminated.

The gentleman from Ohio has stood by his philosophy that some programs must be done, others are important to do, and still others may be worthy for consideration to the extent that funds are available.

The gentleman from Ohio's trademark ''must do,'' ''need to do'' and ''nice to do'' categorization has continued throughout his tenure as chairman and has made the Interior appropriations bill a balanced and admirable product each year.

The gentleman from Ohio (Mr. REGULA) recognized 6 years ago that the agencies funded by the Interior bill were accumulating large maintenance backlogs and that efforts to start new programs and expand existing ones were exacerbating a $15 billion maintenance backlog program. New programs are politically very popular, and the gentleman from Ohio took a brave stand in holding the line on new programs in order to, in his words, ''take care of what we have.''

In addition to the annual appropriations process, the gentleman from Ohio (Mr. REGULA) has held an unprecedented 26 oversight hearings to identify long-standing critical program problems and needs and has taken action to fix those problems and those needs.

The gentleman from Ohio (Chairman REGULA) has never shied away from controversy. He highlighted major problems with the National Park Service construction program, including a $1 million rest room construction and a bloated centralized construction bureaucracy that discouraged cost containment and the use of local expertise. He put a stop to the excessive spending and dramatically pared back the Denver Service Center that controlled the construction program.

He held two hearings on the South Florida Restoration Initiative, which deals with restoration of the Everglades, and identified major cost overruns. His efforts uncovered the lack of a strategic plan for this 20-year multibillion dollar program.

As a direct result of the gentleman from Ohio's scrutiny, this program is being managed more cost effectively, and individual projects are being integrated into a focused long-term strategy.

To address the maintenance backlog on our public lands and in our Federal museums, art galleries and Indian lands, he instituted an aggressive maintenance funding effort and minimized new land acquisitions and new programs in order to pay for this long overdue maintenance initiative.

One of the highlights of his tenure as chairman is his creation of a national recreation fee demonstration program for our parks, forests, wildlife refuges and other public lands. Under that program, the fees that are collected go right back into on-the-ground improvements to provide for visitor safety and enjoyment on our public lands.

To date, over $500 million in fees have been collected to supplement the increased funding provided through appropriations. These fees have been used for services to benefit visitors to our public lands and to preserve the taxpayers' investment in these lands for generations to come.

Other tough issues the gentleman from Ohio (Chairman REGULA) has addressed include critical financial management reform in the Forest Service to correct financial mismanagement in the Forest Service; trust management reform in the Bureau of Indian Affairs; and the need for a coherent and responsive National Energy Strategy that includes cooperation among the Federal Government, industry and the States.

He was ahead of his time on the energy issue. The need for a national energy strategy has been highlighted over the past year as fuel oil and natural gas prices have risen dramatically and certain parts of the country are experiencing electric power shortages.

The staff members of the Subcommittee on Interior have asked me to convey their respect and heartfelt admiration for the gentleman from Ohio (Chairman REGULA). They include Debbie Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Angie Perry, Andria Oliver and Steve Glomb. They join me in our beliefs that the gentleman from Ohio (Chairman REGULA) is a truly great man who stands by his beliefs and has the courage to do the right thing.

As the gentleman from Ohio concludes his 6th year as chairman, the people of this country have much to be grateful for as a direct result of his leadership and tireless efforts on their behalf. I join everyone in this Chamber in giving our great expression of support and admiration for the gentleman from Ohio (Chairman REGULA).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

OPPOSING THE SALE OF ATTACK HELICOPTERS TO TURKEY

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to voice my fierce opposition to the sale of 145 Bell-Textron attack helicopters to Turkey, as planned by the administration.

First and foremost, there is simply no need to proceed with this sale. Turkey is already the most militarized state in that region, and it has the second largest army in NATO after the United States. Despite these facts, Turkey plans to spend $150 billion over the next 25 to 30 years on military weapons; and it plans to implement the first $31 billion phase in the next 10 years. This money could be better used to build schools, hospitals, or housing for the victims of last year's destructive earthquake. Mr. Speaker, the list is endless.

Previous experience leaves no room for any optimism regarding legitimate use of such weaponry by Turkey. Quite the contrary, the record shows that the Turkish military has consistently failed to distinguish between civilian and military targets. For the last 16 years, the Turkish military has been using American weaponry, most notably attack helicopters, to kill more than 30,000 civilians, destroy over 2,000 ethnic Kurdish villages and displace more than 2½ million ethnic Kurds.

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The Turkish military has misused its equipment even though its government has signed numerous international agreements guaranteeing freedom of religion and human rights. Recently, Turkey used an American COBRA attack helicopter in its campaign against the Kurds in southeast Turkey, in direct violation of the Arms Export Control Act and the Foreign Military Sales Agreement which Turkey signed with the United States.

Despite its repeated pledges and promises to make improvements, Turkey's record of human rights violations remains dismal. In a December 1997 meeting with U.S. officials, Turkish diplomats pledged to meet certain benchmarks for improving human rights in Turkey. In subsequent meetings, U.S. officials pledged to oppose the sale of U.S. attack helicopters or other military equipment to Turkey unless the Turkish government met these standards.

And to what degree did Turkey honor its promises? According to the State Department's 1999 Country Report on Human Rights, Turkey has failed to meet any of the benchmarks set forth by the administration. How can we allow this sale to proceed when Turkey has repeatedly failed to live up to its promises? Our Nation risks a loss of credibility in permitting this sale while repeatedly proclaiming our commitment to respect and promote human rights and our opposition to Turkey's violations.

Other countries have refused to sell Turkey weapons because of its human rights records. According to a report by Reuters on September 8, 2000, Germany's ruling Social Democrats said their government would veto a $7.1 billion order to supply Turkey with 1,000 tanks because of Turkey's human rights violations. If Germany is willing to forego a lucrative arms deal based on these concerns, why should we feel any differently? Is our Nation any less committed to protecting human rights? Are our principles more ''flexible'' when a significant dollar amount is involved? I would hope not.

Mr. Speaker, some values transcend geopolitical barriers, and respect for human rights is one of them. People around the world look to the United States for leadership and guidance precisely because of our strict adherence to such principles. The proposed arms sale to Turkey, viewed in the light of its past record on human rights, is contrary to the values we espouse, harmful to our imagine abroad, and threatens the security of a strategically important region.

For these reasons, Mr. Speaker, I urge Members to join me in opposing this arms deal and in calling for its immediate cancellation.

Mr. McGOVERN. Mr. Speaker, I have long been concerned about the level of U.S. military aid and arms sales to Turkey. On average, the U.S. provides Turkey with more than $1 billion each year in direct military assistance and training and commercial arms exports. There are more particular reasons, however, for why I am opposed to the recently announced agreement for Turkey to purchase 145 attack helicopters worth $4.5 billion from U.S. arms manufacturers. Nothing could be more destructive to the efforts by the U.S. and the international community to bring peace and stability to the eastern Mediterranean region that this major arms purchase by Turkey.

Human rights organizations inside and outside of Turkey have documented that Turkey has used American Cobra attack helicopters in its campaign against the Kurdish people in southeast Turkey. The Turkish military consistently fail to distinguish between civilian and military targets. For the past 16 years, the Turkish military has used American weaponry and especially attack helicopters to kill over 30,000 civilian non-combatants, destroy over 2,000 ethnic Kurdish villages, and displace over 2.5 million ethnic Kurds. In its ''Report 2000,'' Amnesty International states that the practice of torture has actually increased in the past year.

At a time when the world hopes for a breakthrough in negotiations on Cyprus, the U.S. approves a massive military sale to Turkey. At a time when the world is attempting to lessen the attacks and repressive actions taken against the Kurdish minority by the Turkish government, the U.S. approves a massive military sale to Turkey.

Why is the Administration allowing this commercial sale to go forward? Turkey is already the most militarized state in the Mediterranean. It possesses vast military superiority over all its neighbors. There is no need to increase its military arsenal.

Rather than spending $4.5 billion on the purchase of attack helicopters, the Government of Turkey might better target those funds toward rebuilding the communities ravaged by earthquakes, building more schools and health clinics, and addressing other basic economic needs of its people.

I urge the Administration to revoke this export license and move away from the longstanding policy of militarizing Turkey—a policy supported by Republican and Democratic Administrations alike. What might have once made sense during the Cold War is now counter-productive to efforts to demilitarize the region.

The pursuit of regional peace and stability and respect for basic human rights are not helped by arms sales.

RECOGNIZING WHITNEY M. YOUNG AS OUTSTANDING PUBLIC HIGH SCHOOL

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

Mr. DAVIS of Illinois. Mr. Speaker, as the debate continues around the issues of vouchers, charter schools, and what some call alternatives to traditional public education, I take this opportunity to pay tribute to the Whitney M. Young Public High School in Chicago, Illinois, which has the distinction of being hailed number one in the Nation in college preparatory education.

For 15 years, the Whitney M. Young magnet school has been number one in the State of Illinois. This year, the year 2000, it leads the United States in the numbers of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding black students. Twenty seniors put Whitney M. Young on the top of the list as a result of their ranking in the top 2 percent of youngsters in competition.

Graduates of Young go on to college at the astronomical rate of 96 percent, with the University of Illinois enrolling more than any other college or university. Princeton, Harvard, Stanford, Yale and the Massachusetts Institute of Technology lead other schools in enrollment of Whitney Young alumni.

Mr. Speaker, Principal Joyce Kenner, her staff, local school council, parents, the Chicago Board of Education, and the students themselves are to be commended for proving, and for proving conclusively, that a student does not have to have a voucher or go to a private or charter school to achieve, and indeed to excel academically.

So, Mr. Speaker, a school located in the inner city of Chicago, with a diverse student population, 50 percent of whom are black, leads the Nation in the number of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding students. So just as Whitney Young practiced excellence in his life and work, the Whitney M. Young High School has built and continues to develop a legacy of excellence in preparation of its students for college, for life, and for service to humanity.

Again, Mr. Speaker, I commend all of those who have been a part of the development of this outstanding institution: the parents of the community where the school is located, the parents who serve on the local school advisory council, the principal, members of the faculty, and the Chicago Board of Education itself, who continue to prove that public education can in fact thrive; that it can flourish; that it has worked and continues to work when we put the resources where the need exists.

REPUBLICAN CONGRESS HAS MADE HIGHER EDUCATION MORE AFFORDABLE FOR AVERAGE FAMILY

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

Mr. HORN. Mr. Speaker, I thank my colleagues for the tremendous progress we have made in funding students who want a higher education.

As a former university president, I understand the importance of the grants, loans and work study programs which are funded by the Federal Government. I also understand the financial difficulties that are faced by most families in America. That is why I am so pleased that the Republican Congress has taken significant steps in removing the financial barriers to higher education.

One accomplishment that this Congress can be particularly proud of is the increased funding for the Pell Grant program to provide access to college for students from low-income homes. Since the Republicans took control of Congress, we have increased the maximum award by an average annual rate of over 7 percent. During the 40 years our friends across the aisle were in the majority, the maximum Pell Grant award was only increased by the average of 1.4 percent. Think of it. Think how many students were denied access.

This academic year, students can gain up to a $3,300 Pell Grant for higher education expenses. This award can make the difference in whether a student stays in school or has to drop out because he or she cannot afford it. More than 84 percent of the students receiving this award come from families who make less than $30,000 a year. Without this program, college would be just a dream for most of them. I am delighted that my colleagues have been able to increase funding for Pell Grants and make college available to many more low-income students who are in need.

We also have taken steps to have more students able to afford college. When I was president at California State University in Long Beach, during those 1970s and 1980s, there were 35,000 students; but 5,000 who were eligible for Pell Grants were not able to have the Federal funds. Even with financial aid, many students were forced to take out student loans to meet the rising tuition costs of higher education.

In fact, the demand for loans has increased by 35 percent over the past 5 years. Until recently, many of these loans came with high interest rates. When one has to borrow thousands of dollars, the interest can be fairly substantial. It is bad enough that graduating students start out in life thousands of dollars in debt; they should not be saddled with high interest in addition.

The Higher Education Act amendments, which we passed in 1998, changed the formula for determining the interest rates on variable rate student loans. Once this bill was enacted, interest rates dropped 1.3 percent to under 7 percent. This is only the third time that this has ever happened in the history of the student loan program. Lower interest rates mean less expensive loans that more students and families can take out. It also means that students can pay off their loans in less time and put the money toward other expenses.

Mr. Speaker, a college education is no longer a luxury; it is a necessity. In today's high-tech, highly competitive economy, a college-educated workforce is crucial to our Nation's success. But there is more than that at stake here. For many people, a college education is part of the American Dream. Republicans are working hard to make this dream a reality. These accomplishments bring us closer to the goal of ensuring that every qualified American who wants a college education will be able to afford one.

I want to congratulate my colleagues who have worked so hard on these issues, and I am very proud that the Republican Congress has made it such a priority to open the doors of higher education even further.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, for the past six months, I have been reading letters on the floor of the House of Representatives from senior citizens from all over the state of Michigan. These seniors have shared their stories with me about the high cost of prescription drugs. They all have one thing in common: these seniors rely solely on Medicare for their health insurance, so they do not have any prescription drug benefit. They must pay for their prescription drugs themselves, and with the high prices, they often are forced to make decision between buying the prescription drugs they need or buying food or heating their homes. We must enact a voluntary, Medicare prescription drug benefit that will provide real help for these seniors.

This week, I will read a letter from Mary Hudson from Fenton, Michigan.

I understand that Mary currently does not fill most of her prescriptions because she cannot afford them.

Sometimes, her son buys her medication for her and sometimes she goes without.

If Mary did purchase all of the prescription medication she needs, her bills would be approximately $1715.40 per year.

I will now read Mary's letter. "Dear Debbie, Last summer, I went to a doctor with bladder problems and high cholesterol and was given prescriptions cost $44—which I got filled—but the other was $90—which I would not. Who can afford those prices and pay other bills too?

Thanks for your interest in seniors, Debbie, and for anything you can do to help us. Love, Mary."

Mary deserves a genuine Medicare prescription drug benefit. Time is running out to do something in this Congress. We must enact real prescription drug reform before we adjourn.

CONGRESS IGNORES ITS CONSTITUTIONAL RESPONSIBILITY REGARDING MONETARY POLICY

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

Mr. PAUL. Mr. Speaker, at a frantic pace we anxiously rush to close down this Congress with excessive legislation while totally ignoring the all-important issue of monetary policy.

Congress has certainly reneged on its responsibility in this area. We continue to grant authority to a central bank that designs monetary policy in complete secrecy, inflating the currency at will, thus stealing value from the already existing currency through a dilution effect.

The Federal Reserve clings to the silly notion that economic growth causes inflation, thus trying to avoid the blame it deserves. The Federal Reserve then concludes that an economic slowdown is the solution to the problem it created. Those who argue to continue the inflationary process are equally in error. As if the economy were an airplane, the monetary authorities talk about a soft landing with the false hope of painlessly paying for the excesses enjoyed for a decade.

It should surprise no one that our financial markets are getting more volatile every day. Inflating a currency and causing artificially low interest rates always leads to malinvestment, overcapacity, excessive debt, speculation, and dangerous trade imbalances. We now live in a world awash in a sea of fiat currencies, with the dollar, the yen, and the Euro leading the way. The inevitable unwinding of the wild speculation, as reflected in the derivatives market, is now beginning.

And what do we do here in the Congress? We continue to ignore our constitutional responsibility to maintain a sound dollar. Our monetary policy of the last 10 years has produced the largest financial bubble in all of history, with the good times paid for by borrowing and an illusion of wealth created in a speculative stock market. Our current account deficit, now running over $400 billion per year, and our $1.5 trillion foreign debt, has been instrumental in financing our extravagance. Be assured, the piper will be paid. The markets are clearly reflecting the excesses of the 1990s.

Already we hear the pundits arguing over who is to be blamed if the markets crash or a recession hits. Some have given the current President credit for the good times we have enjoyed. If the crash comes, some will place the blame on him as well. If problems hit later, the next President will get the blame. But the truth is our Presidents deserve neither the credit for the good times nor the blame for the bad times.

The Federal Reserve, which maintains a monopoly control over the money supply, credit and interest rates, is indeed the culprit and should be held accountable. But the real responsibility falls on the Congress, for it is Congress' neglect that permits the central bank to debase the dollar at will.

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Destroying the value of a currency is immoral and remains unconstitutional. It should be illegal. And only a responsible Congress can accomplish that.

In preparation for the time when we are forced to reform the monetary system, we must immediately begin to consider the problems that befall a nation that permits systematic currency depreciation as a tool to gain short-term economic benefits while ignoring the very dangerous long-term consequences to our liberty and prosperity.

PENDING SALE OF ATTACK HELICOPTERS IN TURKEY

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

Mrs. MALONEY of New York. Mr. Speaker, I rise today to urge the Department of State not to issue an export license for the sale of attack helicopters to Turkey.

As my colleagues are aware, in July of this year, the Turkish government announced that it had awarded a $4 billion contract for attack helicopters to the American company Bell-Textron.

However, before the sale can take place, the Department of State must issue an export license and its decision must take into account both foreign policy and human rights considerations.

As I look at these considerations, it is clear to me that sending 145 attack helicopters to Turkey runs directly counter to American interests and values in the region. The United States has a national interest in fostering peace and stability in the Eastern Mediterranean region.

Recent developments in this regard have been encouraging, in particular the thaw in relations between Greece and Turkey. Yet, the sale of attack helicopters threatens to reverse this positive trend and unleash a regional arms race.

This is not in our interest. It is also not in our interest to see these helicopters used not for legitimate self-defense or NATO purposes but instead to terrorize and threaten.

Turkey has had a long record of using U.S.-supplied military equipment in direct violation of U.S. law. In 1974, Turkey employed U.S.-supplied aircraft and tanks in its invasion of the northern part of Cyprus, an area that Turkish forces continue to occupy today with the use of U.S.-supplied military equipment.

For the past 16 years, Turkey has been illegally using American weaponry, especially attack helicopters, in a scorched-Earth campaign against its Kurdish minority and has threatened to use them against Greece and Cyprus as well.

To date, according to reports from various human rights organizations, the Turkish military has killed over 30,000 civilian Kurds, destroyed over 2,000 Kurdish villages, and created perhaps as many as 2.5 million Kurdish refugees.

Amnesty International, Human Rights Watch, and even our State Department have reported that Turkey has illegally used American attack helicopters in these horrendous crimes against humanity.

The administration appears ready to grant an export license despite statements by the State Department in 1998 that it would condition approval of an export license on Turkey's meeting a series of eight human rights benchmarks.

A review of the State Department's annual human rights report issued earlier this year can lead to only one conclusion, that Turkey has not met the criteria laid down in 1998.

In light of its own report, the State Department should follow the principled example of our NATO ally Germany.

Just a few weeks ago, Peter Struck, the parliamentary leader of Germany's ruling SPD party, announced that a pending multi-billion-dollar sale of Leopard II tanks to Turkey would be blocked on human rights grounds.

Mr. Struck added that he did not expect this decision to change in light of the fact that no progress was being made in Turkey's human rights performance.

The overall impact of going through with this helicopter sale would be to damage America's credibility as a champion of human rights and endanger regional stability in an area of considerable strategic significance to the United States.

The argument that Turkey needs these additional attack helicopters to defend itself against possible attack by Syrian, Iraqi, or Iranian tanks is suspicious. The existing Turkish military inventory already provides an overwhelming deterrent against these alleged threats.

This arms deal is also not in Turkey's best interest. Turkey recently became a candidate for accession to the European Union. For this purpose, it needs to undertake massive restructuring and modernization of its economy. It also needs to reduce the military's role in government, make dramatic improvements in human rights, resolve territorial issues with Greece, and help to solve the Cyprus problem.

By moving to expand its fleet of attack helicopters, Turkey sends a signal of misplaced priorities and undercuts its quest to join Europe.

In short, I call upon the administration to take a principled stand against this pending sale of 145 attack helicopters to Turkey and deny the export license.

EDUCATION IN 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 tonight to talk about education. We will hear later tonight from the two presidential candidates a lot about education. We will have two very differing messages.

George W. Bush, the Republican candidate, will talk about getting money to the classrooms, getting money to the school districts and requiring accountability, accountability that young people can read, that young people understand math, that young people understand science and English and reach certain levels of excellence.

Then we will have the Gore plan that talks about, if you do what we want you to do, we will furnish some money. If you hire teachers, we will help you. If you do new school construction, and I would say also and if you are urban, we may help you. But it certainly will not be to the most of the hundreds of thousands of school districts in this country, only a few privileged few.

Now, it is interesting as we listen to this debate that we keep it in perspective. The Federal Government claims that they provide seven percent of the basic education money from K–12, seven percent.

Now I am going to give my colleagues the actual figures to Pennsylvania, the fifth largest State in the country, a sophisticated State, 3.3 percent of the money in school districts. Of the 530 school districts in Pennsylvania, 3.3 percent of their budget comes from the Federal Government.

So the question I ask is, that is 47 percent of seven percent, so what happens to the 53 percent? Is it all chewed up in Federal and State and regional bureaucracies that we know are often funded by the Federal Government? If that is the case, then if we are going to impact education from Washington, we have to figure out how to get the money into the classroom.

Last year and the year before, we had a program called Dollars to the Classroom that took a lot of programs and made it much easier for school districts to use them and get the money out to the school districts without all the bureaucratic work that is needed, without the grantsmen, without the consultants that you need to get Federal money.

It is interesting for the American public to realize, Mr. Speaker, that one of my most suburban school districts gets just a little over one percent of its money from the Federal Government. Are we going to fix education in that community? I have dozens of school districts that get between one and two percent of their money from the Federal Government.

Are we going to fix education there?

We can help a little bit. We can guide a little bit. But if we are going to have Washington-based programs that they have to apply for that they have to meet all the requirements of, most smaller school districts will not even apply.

I think it is important as we listen to this presidential debate that we talk about getting dollars to the classroom, that we require accountability, but not Federal bureaucracies in charge of our school districts.

My colleagues, we cannot improve education by more Federal programs,

more Federal bureaucrats, more Federal rules and with only 47 percent of the Federal dollars reaching the classroom if Pennsylvania is like most States. And I believe that is probably the case in most States.

So it is important that if we are going to really help education from Washington that we allow the local leaders, we make it easy to get the Federal dollars there. If they need maintenance, they can do maintenance. If they need teachers, they can hire teachers. If they need books, they can buy books. If they need computers, they can buy computers. Not Washington telling them, we will help you if you do what we think you should do.

So I think it is very important as we listen to this Presidential debate that we realize that Washington cannot make our school districts better. We can only be a small player if we get the money to the school districts and we allow them to make the decisions that teachers and the administrators and the parents involved in their young people's education, that Washington does not have the answers, Washington will not make it better, it will make it more complicated, few dollars will reach the classroom.

All these bureaucracies that are funded with that 53 percent do not teach a student, do not make a classroom better, do not make a school better, and does not help the role of education.

So as I conclude my comments this evening, it is important that we get the money to the classroom, that we require accountability that students can read, they can do math, they can do science, and they know English. That will give them the basis for their life and will give them a good education.

ENERGY DEREGULATION

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

Mr. BILBRAY. Mr. Speaker, as things are cooling off here in Washington and the temperature of the city is dropping, to the relief of the local communities, back in San Diego things are heating up. And sadly, they are heating up not because of the weather but because of the inappropriate action of Government and the inaction of those who should be taking care of their constituents.

A few years ago, the State legislature of the State of California tried an experiment called energy deregulation, at the same time that those of us in the Congress were working on deregulation of telecommunications. But unlike what we did successfully here in Washington, the State did not assure competition, access, and infrastructure for the energy consumers of San Diego County, and soon to be the entire State of California.

Now, it may seem like a political comment to say that, when politicians make mistakes, terrible things happen. But I think too often some of our elected officials do not consider the impact on the real people in the community who are out there doing the great things that we take for granted.

Mr. Speaker, I am in a sad position tonight to announce that an institution in my district in Pacific Beach, a landmark that has been there for 54 years, is going to close because the State legislature of the State of California passed a so-called energy deregulation bill that is now causing electric power rates to rise to such astronomical levels that small businesses are going bankrupt.

The small business I am speaking of is DeVaney's Bakery in Pacific Beach. It has been a bakery that has been around since 1946. It has been a family-owned business that has served not only the local community but the entire sub-region of the coastal area that we call San Diego.

It is sad to see that Sacramento adjourned, Mr. Speaker, this year before they addressed this absolutely critical economic and social crisis in San Diego, which is soon to spread throughout the State of California. I would hope that the speaker and every Member of this Congress would join with me in asking that we try to work together here to do what we can to save the constituency and the citizens of San Diego County, and soon to be California, from this horrendous mistake by the State legislature.

Mr. Speaker, it took a bipartisan effort in Sacramento to create this disaster that is closing down this landmark in Pacific Beach.

□ 2000

I would ask us here in Washington to step forward and make a bipartisan effort to save businesses throughout San Diego County and California from the devastating effect of this legislative mistake in Sacramento. So I ask us to learn from this tragedy of DeVaney's Bakery and let us work together at trying to see what we can do to protect the constituents from Sacramento's mistake. I hope we do not find excuses to walk away before we can address this issue. It is sad that Sacramento did that. I would ask us, both Democrats and Republicans, to work together. I hope I am not here next week announcing the next business that had to go under.

I would remind Mr. Speaker that this is not just a San Diego problem. San Diego and California has been a driving force at generating revenue for this Federal Government that has constituted what we call the surplus. If we do not address this power crisis in San Diego, it will not only spread throughout California, it could severely hurt the entire Nation's ability to continue the economic prosperity that so many of us in elective office want to point to and take credit.

Now the challenge is, will we rise to protect this economic recovery by addressing this government problem that was created in Sacramento and may only be corrected now by working together to protect the consumers, the taxpayers, the citizens and, yes, even small businesses like DeVaney's Bakery that has been around so long and will not be around tomorrow because of mistakes that have been made by others, but that we must address.

END-OF-SESSION ISSUES

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

BANKRUPTCY REFORM

Mr. GEKAS. Mr. Speaker, we are nearing the end of the current session as everyone knows and it is very apparent that nerves are frayed and that tempers are short but that is to be expected. That is an occupational disease of being a Member of Congress or of being the member of any parliamentary body anywhere in the world. But we have a special affliction here in Washington because we indulge in this almost every single year with every single year's budget, with every single year's end incessant haggling over minutia and some grand themes in this end-of-the-session battle in which we find ourselves once again.

Bankruptcy reform, which began some 3½ years ago in this very Chamber, is one of those grand items to which I refer as being includable in the end package of legislation which we will be considering in the next few days, perhaps after the new CR is passed even into next week. But there is a distinct difference in taking the bankruptcy reform measure and putting it at the end process for the purpose of yet one final vote on it. It is one that has been thoroughly debated. It is not like at the last minute some appropriator jams something into the omnibus bill at the end about which we know nothing and we are surprised months later to learn that there is a swimming pool now in the middle of the desert where never there was one before. Those kinds of special favor types of items continue to appear in the end product. We acknowledge that. Sometimes we wonder whether there is anything we can do about it except to adopt the proposal that I have proposed for 18 years, no, no, for many, many years now, that is, to have an automatic continuing resolution if we have not reached a budget by the end of the budget year.

In any event, the bankruptcy reform bill is not like that swimming pool in the desert. Rather, it is a measure that has been well received by Members of the House, by Members of the other body, by the business community, by the credit unions of our Nation, by taxpayers groups, by taxing authorities like States and local governments, all manner of working entities in our country have testified before us, giving us ample evidence upon which to base this movement to make sure that everyone gets a new start, a fresh new start who deserves one but who, by the same token, will guarantee in that process that those who can repay some of their debt should be compelled to do so in a fair, proportionate way in which we have fashioned the mechanism for doing just that.

So when we bring this massive bankruptcy reform bill to the end game, we are not shoving it into some omnibus bill hoping that nobody sees it. No, we are bringing it to the floor after I would say one of the most thorough continuing debates that any subject has received for many, many years. I know, because I and my staff have been involved in it from the very beginning, through many, many hearings, hundreds of documents, many private discussions and consultations with bankruptcy experts and with credit institutions and with bankrupts themselves, people who have filed for bankruptcy, women who are left in a home without a husband, without a provider, providers, people who deal in State government with the complex problems of support and support collection. You name it, we have heard from that kind of individual in our regular hearing process. That is what is so bountiful in the outcome of the bankruptcy reform movement, that indeed it is the product of every coloration in our society of people who have to do business with each other in order for this economy to continue to work as well as it has.

By the way, in almost every set of remarks that I make back in my district about bankruptcy reform, I pride myself in reasserting that within the hearing process, it was not just a cameo appearance by people where we knew what their testimony was going to be and we ho-hummed our way through those hearings, I have to maintain and I will to my dying day that the final product of bankruptcy reform reflected actual testimony recommendations and clarifications made by the witnesses from out there in the world of commerce and in the world of the bankruptcy courts themselves. So it was not as if we were prompted by a pre-prepared agenda with cooked legislation that we were just going through the motions in these hearings but, rather, an intense investigation into the entire process. We learned from it.

I remember after the first hearing that someone testified on behalf of, I think, women, or single mothers or people who were devoid of support in their own household, but I was so struck by it that I instructed my staff to make sure that the next time there will be language in our next version of the bankruptcy reform that will cure the problem brought to us by that witness. As I say, this was legislative magic at its best, witnesses testifying, developing solutions to problems, and we who were charged with the responsibility of packaging all that in a reform measure succeeded in doing so.

Mr. Speaker, I yield to the gentleman from Colorado.

EDUCATION

Mr. SCHAFFER. I thank the gentleman for yielding. I want to talk about education. Tonight there will be a debate between the two Presidential candidates and we of course all across the country are looking forward to that. Education is likely to be one of the issues raised. I say this because, politics being as it is, candidates tend to look to opinion polls to help identify those issues that are the most important to the people in the country. When they are inclined to do that in America today, they will find that education is the number one issue on the minds of most Americans. My point tonight is twofold, one, I want to talk about some of the work we have done here in the United States Congress as a Republican majority and as Republicans across the country to try to elevate the importance and prominence of education and to push forward a plan that is designed to improve the quality of education in America, and secondly I want to talk about what has been done over the last 8 years, because, without a doubt, the Clinton-Gore regime that has held the White House for the last 8 years has defined itself as an administration that has missed many opportunities and has failed to lead with respect to education.

I will start out by quoting the Vice President. He published a report called Report of the National Performance Review. It was published in 1993. In that report back in 1993, here is what the Vice President said, and I quote:

> 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, the Department of Education must refashion and revitalize its programs, management and systems.

My point being, Mr. Speaker, is that going all the way back to 1993, the Vice President of the United States fully understood the nature of the U.S. Department of Education, an agency that hemorrhages cash on virtually a day-by-day basis. This is an agency that we look to to try to get dollars to the classroom, to utilize the education expenditures of the American people in a way that will help children learn but, to our disappointment and even to the disappointment of the Vice President and others over at the White House, this Department of Education has failed in its noble mission.

One does not have to look too far to find examples of that. Here is the reality of what has occurred since 1993. Just a few month ago, the General Accounting Office in reporting to the Committee on Education and Workforce of the House said the following, and I quote again:

> The Department is riddled with continued weaknesses in information systems controls which increase the risk of unauthorized access or disruption in services and make Education's sensitive grant and loan data vulnerable to inadvertent or deliberate misuse, fraudulent use, improper disclosure or destruction which could occur without being detected.

That was in testimony to the Subcommittee on Oversight and Investigations going back to March of this year.

We have seen similar other kinds of characterizations of the Department of Education as we in our efforts to try and be frugal with the taxpayers' money have asked hard questions about where does the money go. It is frustrating as a parent myself of five children, three of them in public schools today, to learn that of every dollar that we spend on education through our Federal budget, only about 60 percent of those dollars is actually spent in the classroom. In other words, there is upwards of 40 percent, and that is probably a generous estimate, that is wasted, squandered, lost, lost through fraud, lost through abuse, sometimes lost through crime. I will go through some of those examples here today because it underscores our Republican effort around the country to try to get dollars to the classroom.

There is a difference of opinion here in Washington and a difference of opinion that will be expressed later on tonight by the two candidates for President of the United States.

□ 2015

Democrats have always been in favor of spending more money. Whether it comes to the Department of Education or any agency, spend and spend and spend has been their philosophy. While we are not necessarily always opposed to spending if it is for a good and just cause, our Republican philosophy is very different. It is one that says spend wisely, be accountable for how money is allocated and budgeted and spent. So we are the party, the Republican Party, that asks the tough questions about where do these dollars go? How is the money allocated? Has it actually reached children in classrooms? Has it been effective? As parents we are just kind of normal people who ask these questions as most normal people would when they come to Washington, D.C. We work hard as all taxpayers do to earn various livings and come from various professional and employment

backgrounds. We pay taxes to the Federal Government. We do not like paying taxes, but we are willing to do that when it is right and when the cause is just; but we expect people here in Washington will follow the money and make sure that when we say we are going to spend a dollar on education we actually do it.

It was not until the Republican Party took the majority of the Congress that these difficult questions were even asked in the first place. Here is what we found out: the U.S. Department of Education in 1998 could not even audit its books. We set up a very rigorous evaluation process. We required every Federal agency to come up with a new standard of accountability to hire outside auditors to come in and examine their books, give an outside professional unbiased opinion of the finances of various Federal agencies, and the U.S. Department of Education came to us in the 1998 audit and the independent auditors actually said the books were so bad over there, so poorly managed, that they could not even audit the books, let alone tell us how the dollars were spent.

In 1999, Mr. Speaker, things did not get much better. The Department was able to finally balance its books but it, of course, failed that audit. So we find these reports coming back to us from independent auditors, from government auditors, painting a very bleak picture when it comes to the accountability of the funds that are spent down the street at the United States Department of Education.

Now we still want to have a powerful role and an important role in improving schools across the country, but we point these examples out to show that there really are two different approaches to how we improve schools in America. There is the Democrat approach, the Al Gore approach, that says just spend the money, never ask the tough questions, never mind whether the dollars really get in the classrooms; whether these dollars spent really improve student performance; whether they really improve our standing among international peers. Just spend the money and that is the right thing to do because, after all, we care about education, we care about kids; and if we just spend the money, things will sort of correct themselves.

That is in stark contrast to what we will hear the governor of Texas speak about tonight and what Republicans stand for and have stood for here in Washington, which again says there is money to be spent; and we believe that the Federal Government has some role to play in trying to help local administrators, school board members, superintendents, and teachers teach children; but we really are about accountability. We want to make sure that we squeeze every ounce of efficiency out of every dollar that is spent, and we start by being honest about what is wasted, what has been abused, where fraud, where theft has occurred over in the Department, and we raise those important issues, not to embarrass anyone. We do want to cause a certain amount of alarm, I suppose, because these issues need to be addressed; they need to be fixed.

That ultimately is our goal to fix these problems and create a Department of Education that actually is on the mark; that actually helps children learn; that really gets dollars to the classroom and creates, through a system of assistance with the various 50 States, a support system that allows those States to define their educational priorities and to ultimately meet them and help children, because that is what really matters in the end.

It does not matter how much money we spend. It does not matter how many new programs we create. What matters more than anything else is results and what we can do here in Washington that helps children learn.

Now we have a great record where this is concerned as a Republican majority. We have passed legislation over the last few years that is intended and designed to shrink the size of the U.S. Department of Education, to consolidate programs. There are some 760 education programs spread out throughout several different agencies. We want to consolidate those programs.

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

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I noticed that at the exact moment when the gentleman from Colorado (Mr. SCHAFFER) was talking about the fact that the Federal dollars that are being spent could be better spent at the local level, in walked the gentleman from Pennsylvania (Mr. GOODLING), who for years has been determined to make certain that we know that the best way to spend those dollars is at the local school board level.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I was waiting for the gentleman from Pennsylvania (Mr. GOODLING) to grab a microphone there so I could recognize him and yield some time to him as well, because it has been the Republican leadership on the House Committee on Education and the Workforce, under the direction of the gentleman from Pennsylvania (Mr. GOODLING), and also the efforts being led by Republican governors throughout the country, that have shown a new way to reach out to children and to manage government programs in a way that helps kids far better than what we have seen come out of the White House over the last 8 years.

We have focused on some key principles that I know the chairman cares deeply about, and principles that he has made the basis for the work that we have done and undertaken in the House Committee on Education and the Workforce, and those principles are all about recognizing the strengths of local communities, of States, of recognizing the autonomy of parents to play the primary role in helping drive the education of a child and local communities. And ultimately this message of accountability is something that we talk about every day.

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

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding, and I want to echo some of the things that he has already said. For the first 20 years in the Congress of the United States all I ever heard was that if we just had another 100 programs from the Federal level, one-size-fits-all, if we just had a few more billion dollars, if we just could participate more from the Federal level, that somehow or another we would close the achievement gap with the disadvantaged youngsters because that is our major role from the Federal level.

Well, obviously it did not work, and every study showed that it did not work. One-size-fits-all from Washington does not work. So we wasted a lot of money, but worse than that a lot of time because what happened is we cheated children, pre-school children particularly in Head Start, for the first 10 years because nobody ever talked about quality. The only thing we talked about was if we could just cover more children that somehow or another that would work. What they forgot was that it was supposed to be a reading readiness program and a school readiness program; but what it turned out to be was, as a matter of fact, a poverty jobs program and a baby-sitting program.

We finally got it turned around.

So when we became the majority, we said, gee, we have to change. The taxpayer is not getting very much for the money but, more importantly, the children who are to benefit from all of these wonderful programs, one-size-fits-all from Washington, were not getting any help. So the achievement gap, of course, never closed.

We said we are going to have, first of all, seven key principles that Republicans are going to push every time we talk about any legislation from Washington, D.C. Number one, if it is not a quality program, then do not bother with the program. Get rid of the program. We need to have better teaching. We need to have local control. We need to have accountability. We need to make sure that we get the dollars to the classroom, where they can really help the children. We need to make sure that we return to basic academics

and parent involvement but not only parent involvement, parent responsibility. The reason public charter schools work, one of the major reasons, is because of the parent responsibility. They are responsible to enforce the dress code. They are responsible to enforce the homework code. They are responsible to get the children to school and get them home from school. They assume that responsibility. Now what does that do? That attracts the best teachers. That attracts the best administrators, the best supervisors, because they want to teach. They want to be in an environment where they can teach. So one of the very first things we talked about, even before we became the majority, was we need to give flexibility to the local school districts to design these programs rather than say here is one-size-fits-all, take it or like it, even though you do not benefit from it.

So we got a token before we became the majority. We said here we will give you six States for flexibility and they said we will give you 12 now the next time. Two of those States that did very, very well with the flexibility they got were Maryland and, above all, Texas. Governor Bush reached across the aisle, working with a Democrat majority in the House and the Democrat majority in the Senate, and said we have to do something about improving education for all children in this State. So they got about 4,000 waivers from the Federal Government. They could commingle money. They could make programs work. They could design them the way they believed they will benefit their children. The result is that their Black and Hispanic students are achieving above the overall average of all of their students. Now, that is giving you flexibility with accountability, and accountability is the big word.

Mr. SCHAFFER. Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) has been on the front line in the negotiations and in the real fight that has taken place here in Washington between the Republican-oriented solutions with respect to education and the Democrat-oriented approaches to education that come out of the White House. This key philosophy of flexibility is so important. There are many of our colleagues and many people around the country who think these are just nebulous terms and some kind of nebulous debate on the point of flexibility; but those of us who are in the well on a day-to-day basis fighting over the concept of flexibility see the real difference that takes place based on who the leadership is down at the White House.

So I am wondering if the gentleman from Pennsylvania (Mr. GOODLING) would perhaps take a little more time and maybe describe for our colleagues what takes place at some of these meetings when there is a Republican philosophy of flexibility sitting across the table from the Democrat philosophy as proposed by AL GORE of a centralized, Washington-knows-best attitude. It is a real clash but one that I believe we need to win on the side of flexibility. I think it is critical and important for our children, and I was hoping the gentleman would elaborate a little further on that point.

Mr. GOODLING. I think that it has been a slow learning process for the minority, because I think they are at the point now where they realize these programs did not work. Well intended, no question well intended, but they now begin to realize, and we hear the word flexibility mentioned now on the other side of the aisle. We hear different things mentioned that we never would have heard for years because the programs did not work. So now they are saying, hey, it looks like Texas, for instance, was very, very successful with that flexibility.

What does it mean to a State? Well, first of all, before we allowed any kind of flexibility, the only purpose for the Federal auditor to go out into that school district was to see whether the money was spent on the right student.

□ 2030

They were not sent out to see whether the students were benefiting from what is being spent. They were just sent out to see, is the money going to the right children?

Obviously, it was going to the right children, but it was not helping those children. So this is the battle we go through every time, the philosophical battle of another Federal program, one-size-fits-all from Washington, D.C. will solve these problems; another $1 billion will solve these problems. It has not worked.

So we have now taken a different approach. As I indicated, we have these seven key principles, but beyond those seven key principles, of course, is what is happening with the flexibility that is going back.

Governors, local school boards, are so far ahead of us on the Federal level when it comes to reforming schools. They are on the front line all the time. They understand it. So that is why 50 Governors said, Hey, 12 States have flexibility; how about all 50 States? When we get 50 Governors on our side of the aisle say, hey, it is working, we all want it, and obviously the President then had to agree. We sent him legislation and he signed it.

The important thing is that as we brought the legislation then to the floor, every piece of legislation was based on these seven key principles. So when we did the Individuals with Disabilities Education Act, we said, let us talk about the seven principles here when we redesign that program, and we did it.

IDEA full funding, again, in those first 20 years I kept saying over and over again, if we really want to help the local school district, I will say the best way we can do that is to step up to the plate with the 40 percent that we coaxed them into this program, guaranteeing them 25 years ago. When we became the majority, we were only up to 6 percent. We are now up to about 15 percent.

What that means is every low-income school district has to take their local funds to support the IDEA mandates from Washington, D.C., which means they must take it away from every other program. That is why I would tell them, if we want to reduce class size, send them the money. They will reduce class size. If we want them to repair a building, send the IDEA money, they will repair buildings.

But no, we need a new program from Washington. That is what we have heard the last couple of years, with our battle over 1,200,000 teachers; our battles over school construction.

We passed the Reading Excellence Act, again saying, on the local level, they know how to do that. But above that we say, use the scientific knowledge that we have on how to teach reading. Do not get into the fad businesses that so many districts unfortunately fell into.

Our charter school expansion, in my estimation, probably the only hope for many center city children is the charter school program, again because the parents are very much involved. The parents are demanding excellence from their children, excellence from their schools, and the best teachers went there. It may be their only hope of getting a piece of the American dream.

As I mentioned, Head Start, how did it take us so long when every study told us we were failing? How did it take us so long to really do something to make it an effective preschool program?

Promulgating the new Federal tests, we were going to spend $100 hundred million. First of all, the Department of Education was going to design the tests. That would be the last group that I would want to design some tests. But unless we know what the new higher standards are, unless we prepared the teacher to teach the new higher standard, unless we then test the teacher to say they are ready to teach the new higher standard, why would we spend $100 hundred million to design some national test to tell 50 percent of the children one more time they are not doing very well?

The Dollars to the Classroom Act, again, that is where the money counts, down where that teacher is, down where that building principal is. The Vocational Technical Education Act, again the whole thing was based on those seven principles. The Teacher Empowerment Act, we say if they are

not getting the proper in-service program, they could take a voucher and get their own in-service program. They know where they can get the best in-service program.

The Students Results Act, again, all we have to do out there in the State and in the local district is show that all of the students improve academically, and then they have the freedom to do what they believe is necessary to bring that about.

We are moving in the right direction. We have to keep moving in that direction. We cannot stop now, or what we will get back to again is, okay, if we just have a new 100 programs that will do the job; if we just spend another $100 billion, that certainly will do the job. Yet, we will repeat the same failures over and over again because Washington does not have the answers. The local area has the answers.

So I thank the gentleman for taking this hour this evening to again remind the American people what our approach is and why it is different, and why it is taking hold and why it is working, and why the Governor was successful in Texas after we gave them the opportunity for the flexibility.

So I appreciate the gentleman's taking this opportunity to remind the American people once again the direction we are trying to move this whole education issue in.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for joining me here on the floor.

I want to go back to the top of the chart here in a moment, but there really is a remarkable difference between the two individuals who the American people will watch later on tonight, and will choose among in deciding who our next president will be in just a few weeks.

The Texas example is almost miraculous on how far students improved in academic achievement in the State of Texas under Governor Bush's leadership versus what we have seen here in Washington for the last 8 years of a White House where President Clinton and Vice President GORE have fully understood, and they even wrote books about the poor management in the Department and the reality that there was not enough flexibility, where we are not getting enough dollars to the classroom. Yet, they have done nothing.

This is an administration that for 8 years has squandered their opportunity to help improve schools, and to look to the real examples and the real bright spots around the country where Republican Governors like George Bush have led the way in academic success and achievement for students.

This Individuals with Disabilities in Education Act is I think one of the most important things we can focus on here in Washington. Just by way of background for our colleagues and those who are monitoring tonight's proceedings here on the floor, the Individuals with Disabilities in Education Act was really initiated by the Supreme Court under civil rights legislation.

Congress took the ball from there, but it was the Supreme Court that drove the legislation underlying the Individuals with Disabilities in Education Act, thereby making it one of the few really legitimate roles that the Federal government plays in reaching out to some of the neediest children and trying to equalize the playing field so those children can have an opportunity to learn.

What Congress has done over the years is created this huge program which has become a mandate on local States. In other words, the Federal government created the rules, and we have told 50 States they must implement this IDEA program the way the Federal government says they will.

In exchange for that, the Federal government initially promised to pay 40 percent of the expenses associated with implementing that mandate. Many people around the country really rely and children with disabilities really rely on this program and this mandate, and they are counting not only on the program to be implemented accurately and effectively, but they are also counting on the program to be funded.

So we have actually had to fight with the White House, Republicans had to fight with the White House, to try to get us to a point where we are increasing appropriations for the Individuals with Disabilities in Education Act. We do not get a lot of help from AL GORE and President Clinton down there at the other end of Pennsylvania Avenue.

Mr. GOODLING. As a matter of fact, Mr. Speaker, two budgets submitted by the White House in a row had a decrease in funding for special education, 2 years in a row.

Mr. SCHAFFER. It just defies logic, but again it points out my point that these folks have had 8 years to try to help, to try to help local schools. They have really blown the opportunity. Even when they have Republicans, and we are conservatives and we like to spend less when we can, but here is a program where we believe we ought to pay for what the government promised, and we have no assistance from the White House. AL GORE, Bill Clinton, had other things they wanted to spend money on, not children with disabilities in education.

It is important not only for those children, but it is important because even when Congress does not fund the program to the extent that it promised, the responsibility for carrying out the program still exists.

Every principal of every school in this country has to continue to unfold and provide these services under the Individuals with Disabilities in Education Act, just as the law says, and it does not matter whether we provide the money.

That is the real hardship, because what a principal has to do is steal funds from other places in his or her budget. They have to take money from the pay raises for teachers. They have to take money from the staffing budget, providing perhaps more teachers for classrooms. They might have to take the money from the transportation budget, or maybe the technology budget.

Mr. GOODLING. The maintenance.

Mr. SCHAFFER. Maybe fixing the leaky roof is something that has to wait a couple of years because the Vice President has not been willing to help us in our effort to fully fund IDEA.

That I think is probably the most graphic and dramatic statement of how this philosophy of ours towards flexibility has very real implications on every single classroom in America. That is precisely what we heard as we have traveled around the country.

The gentleman from Pennsylvania has helped today unveil his Crossroads 2000 Report, called ''Education at a Crossroads.'' This is really a report that one of the gentleman's subcommittees, the Subcommittee on Oversight and Investigations, had put together as a result of traveling all across America visiting with education professionals, students, parents, teachers, and all the rest.

What they tell us more often than not is this. They tell us, and we can read it right in the report, and for our colleagues, I would urge them to get hold of the Committee on Education and the Workforce for a copy of this report, or my office or the chairman's office, and we will make the report available to anyone who wants it.

But what we are told as we travel around the country is this: Do not create new programs. In fact, do not spend a dime on creating more government, more Department of Education bureaucracy. Do the basics first: Fully fund the Individuals with Disabilities in Education Act, and that frees up local schools to pay for the priorities that are truly important in various locations, because the priorities in New York are not the same as they are in Pennsylvania or as they are in Colorado or California. They vary from State to State.

Mr. GOODLING. New York City would get an extra $190 million if we were fully funding the 40 percent, and Los Angeles would get another $90 million.

When we talk about class size reduction, when we talk about school maintenance, think what they could do with that kind of money if they did not have to spend it on our mandate.

Mr. SCHAFFER. Perhaps we can talk about that for a moment, because we

have been to New York, to California, and around the country. Even in a big city like Los Angeles, $90 million is not pocket change. That is real money.

Mr. GOODLING. Over 25 years, $90 million a year for 25 years, that sounds like big money to me.

Mr. SCHAFFER. We have heard through the course of the presidential campaign that Congress and that the Federal government should do something other than fully fund the Individuals with Disabilities in Education Act.

We have heard the Vice President talk about his goals for trying to manage local schools from here in Washington. Our answer is very different. Ours says, let us fully fund the mandates that are there first.

Let us give Los Angeles, for example, the $90 million a year to spend on whatever they want. If they want to fix the roof, that would be their prerogative. If they want to buy new computers, they could do that. California just had a class size reduction program that the voters voted for.

It makes no sense for the Vice President, in the case of California, to now say, no, I am going to invent a new program for class size reduction, and the fact that you have already accomplished this goal is irrelevant. We are going to give you more money to do things you do not need.

Mr. GOODLING. Mr. Speaker, in that area, of course, last year when I was negotiating this 100,000 teacher business, at the end of the year I made it very, very clear, the gentleman mentioned that the administration, the President and the Vice President have had a great opportunity in the 8 years.

I pleaded with the President, and I said, he can talk about class size reduction, but if he does not have a quality teacher to put in that new classroom, I will guarantee it does not matter whether the teacher-to-pupil ratio is 12 to 1, 20 to 1, 30 to 1, it is not going to make a difference.

Of course, what was the first 33 percent we allowed him to have? More than 30 percent of those had no qualifications whatsoever.

Mr. SCHAFFER. It comes right back to the rallying cry that the gentleman has espoused over and over again, focus on quality, not quantity. We see that not only with this effort toward hiring more employees in schools, but we hear it when it comes to even school construction, that it is just that the White House is intent on just spending the money, and really has no plans to focus on the quality. They never have. In the 8 years they have held the White House, their own reports verify they have never ever focused on quality.

Mr. GOODLING. When we were doing that negotiating last year, it was a perfect time. The New York News newspaper had total front page coverage which said, Parents, do you recognize in New York City, 50 percent of your teachers are not qualified? And I would hold that up every time they would talk, and remind them again, if we cannot put a quality teacher in the classroom, we are not going to help the child.

Mr. SCHAFFER. I am wondering if the gentleman would also be able to tell us about his experiences with the vast numbers of education leaders we have met with from throughout the country who have testified before the Committee on Education and the Workforce, reiterated the kinds of things we have heard in the Crossroads Report that fully funding the Individuals with Disabilities in Education Act really represents the ultimate in flexibility. We hear this routinely. I know the gentleman has, as well.

□ 2045

I am wondering if the gentleman could share some of his experiences.

I might also point out, Mr. Speaker, as many of our colleagues know, the gentleman from Pennsylvania (Mr. GOODLING) prior to coming to Congress was a school superintendent and one who understands full well how fully funding Federal mandates frees up local leaders to focus on the real priorities, which is ultimately helping kids far better than anybody here in Washington can do.

Mr. GOODLING. Mr. Speaker, in IDEA, as we indicated, for instance, they were promised 40 percent of the average expenditure for students all over this country. Now, 2 years ago, that average expenditure per pupil was about $6300. If they were getting their 40 percent, we can see they would be getting $2500, $2600 for each child. Instead, when we started, they were getting about $400. We are now up to about $600 or $700. We will get to about $800. That is a long way from that $2600 that we promised.

If they have that extra money, as I indicated before, they then can take care of pupil-teacher ratios. Again, this is why we negotiated for 100,000 teachers. If we need money to improve the teachers that we presently have, use it for that purpose. That is very, very important. We need to make sure they have the best quality programs they can have to become better teachers, and that is so important.

Mr. SCHAFFER. The White House has also fought us on this notion of expanding Ed-Flex to all of the 50 States. There were 12 States that piloted this flexibility act where some achieved great things.

The State of Texas as we mentioned as raised dramatically achievement for minority students, for black students and Hispanic students. In fact, the rate of improvement for school children in those categories was far higher than anywhere else around the country. And that is dramatic testimony to the power of flexibility and choice by governors.

We wanted to expand that same kind of liberty to all 50 States. We have received opposition from the White House from the moment we started talking about flexibility for all.

Mr. Speaker, I am wondering if the gentleman might spend a little bit of time talking about that experience.

Mr. GOODLING. No question about. The minority and the former majority and the President were very much opposed to flexibility. As I indicated, when it became that successful for those who undertook that opportunity or took advantage of that opportunity, the President then, of course, got all sorts of heat from 50 governors, and then we were able to move that.

What we also said from our side is not that we even want to do that, but we want to also give them the Student Results Act so they have no trouble commingling money to make programs work. When we have a thousand programs, in this case, 700 and some programs, the amount of money each program gets is so small that we cannot do anything worthwhile with it, but if we try to commingle any of it, as I said earlier, we are in trouble with the auditors.

So we say in the Straight As, we can commingle those dollars, all you have to do is prove to us that you can make sure every child improves academically.

Now, I have been told by some States, well, we have enough flexibility. We know what they are saying. They are basically saying we are just happy to take your money. You do not ask us for anything in return. We just take your money, and we do the same thing over and over again.

We do not have a new idea or a creative idea in our heads, so we will just go on taking the money from the taxpayers, from the Federal Government, because we do not require quality. We do not require anything.

It is catching on, because as I said, Texas is a great success story. Maryland has done well. So my hope is that as I retire, we do not forget what the gentleman said what he hears in his sleep every night, quality not quantity, results not process.

Let us get them to stop spending hours and hours and hours of paperwork. In IDEA alone, we use teacher after teacher after teacher in IDEA, because they spend so much time on paperwork that they cannot do what they are trained to do, which is to teach children, which is what they want to do.

Mr. SCHAFFER. That is the real hardship, I might add, that we see with all of these Federal programs is the paperwork, the red tape, the rules that go along with what amounts to pretty small amount of funds.

The gentleman is right that with so many Federal programs, we spend a lot

of money in Washington, about $40 billion a year just on the program costs for the U.S. Department of Education, and that is not even mentioning the other $80 billion that is managed through student loans by the U.S. Department.

We just need to focus on the $40 billion that we budgeted and allocated towards education, each dollar is sent out from Washington to various States and school districts with all kinds of requirements attached to it, much of which has nothing to do with the quality of education. Some governors frankly do not understand that.

This is an easy process for some of them. As the gentleman said, they just get the money from Washington, and they turn around and spend it, and it appears to their constituents that they are accomplishing something with nothing.

Again, where the real hardship is realized is at the street level, at the schoolroom level, the classroom level, where these principals, administrators, secretaries, teachers have to deal with these monotonous rules and these monotonous regulations.

Only about 6 percent to 7 percent, maybe sometimes 8 percent of a classroom budget is Federal funds. The rest comes from your State or it comes from local property taxes. So a tiny portion is all we are talking about when we are talking the amount of dollars that goes into a classroom.

The tragedy is for the 6 percent, 7 percent or 8 percent of Federal funds that makes it into a classroom, probably 50 percent to 60 percent of the paperwork requirements are attached to that small amount of Federal dollars. That is what we want to eliminate.

We want to allow flexibility so that we can actually increase the power of the money that is already spent. We do not need to really spend more, if we just spend it more wisely. We can be more effective.

Mr. GOODLING. When we were negotiating the 100,000 teachers last year, the first thing the administration said is we have to take about 10 percent off the top, I think they wanted 15 percent, to keep on the Federal level. I said, wait a minute, you are not hiring the teachers. The local school board is hiring the teachers. Then they called back and said we certainly need 10 percent for the States off the top.

I said, wait a minute. The State is not hiring the teachers. The local school districts are hiring the teachers; that is where the money should go. Of course, we won that argument because it makes sense.

Mr. SCHAFFER. That is the educational empire which the gentleman just described, which is so hard to understand. There is such momentum, and all of these people that are employed, and not only at the U.S. Department of Education, but the State Departments of Education, they make careers out of this paperwork and these rules. Somebody reads all of this stuff.

Somebody actually opens up the mail when the superintendent fills out the paperwork and sends it to Washington. There is a person here in Washington whose job it is to open up all of these forms and compile them and collate them and make reports on them.

When we start talking about getting rid of the rules and regulations, consolidating programs and increasing flexibility, our goal is to help children. Unfortunately, some people in Washington feel threatened by our objective to help kids.

There is a huge bureaucratic empire that is sustained through all of the monotony, and that is the objective of the Vice President and President. They have worked tirelessly to preserve this large bureaucracy to preserve all of these rules, to preserve these regulations, and make decisions here in Washington D.C.

Our message, our Republican message, is very different, one that the Governor of Texas tonight and every time he speaks articulates for us so well; that is, we should not be trusting of the bureaucrats in Washington. We should be trusting of the teachers who actually know the name of the children.

We should be trusting of the principals who knows the name of the teachers. We should be trusting of the superintendents who can name all of the principals and many of the players in a school district. We should also be trusting the school board members who make the policy decisions who are elected by local communities, by our friends and our neighbors.

The farther away we get from the classroom in terms of decision-making, accountability, the poorer the decisions are made, and the greater the opportunity for mismanagement. My goodness, the President and the President's own agencies have documented this repeatedly, they have written books on the matter of waste, fraud and abuse in their own agency, which are replete with examples and there are real opportunities to fix these problems and get the money to the classroom.

After 8 years, the Vice President has done nothing. He has not lifted a finger to help us in our efforts to streamline this bureaucracy and get the money, get the flexibility, get the decision-making to the people who deserve it.

Mr. GOODLING. I am reminded each time that we were negotiating that both the President and the Secretaries were governors. Think in terms of being a governor, rather than being a Washington bureaucrat, and you will be offering far better solutions to problems, than being a bureaucrat in Washington, D.C.

Mr. SCHAFFER. Of course, Governor Bush understands the perspective of being a governor. He has worked in partnership, not always Republicans; this has not been solely a Republican success, although, it is a Republican philosophy. He has had to work with Democrats here in Congress as well, Democrats of the Texas delegation, Democrats in the Texas State House and the State Senate.

He understands working across the aisle, and that is a real sign of leadership when somebody can, as Governor Bush has done, raise the priority of children over and above everything else, over and above the bureaucracy, over and above the politics and state as a public goal, the number 1 objective for education is to raise the achievement of all children. We are going to start with the ones who are suffering the most.

We have seen the Governor of Texas accomplish that in his State. It has just been remarkable how that kind of leadership has brought all of us together toward that goal. What I am afraid of is that many Americans may not realize the conflict in vision between these two men running for President of the United States.

We have the Bush model from the perspective of a governor that we support that says children should be the number 1 objective of our education reform efforts; that is in stark contrast to the 8-year record of the Vice President, which has been to preserve bureaucracy, to preserve waste, fraud, abuse and mismanagement, to write books on how bad it is, and spend 8 years doing nothing about it. That is a huge conflict in vision and an important choice that I think we all need to think about very seriously.

After this election, the gentleman and I and all of our colleagues here in Washington are going to have to deal with the attitude of the White House.

Mr. Speaker, I am hoping the Bush attitude of putting children first is something that we all will be celebrating and rallying around. I know many people around the country will learn more about that tonight.

I am fearful that not enough share our enthusiasm for putting children ahead of bureaucracy and may be persuaded by this simple, unimaginable message that we hear coming out of the White House and from the Vice President that just says spend more, spend more, spend more. There is nothing else to say, just spend more.

Mr. GOODLING. Again, there is no question that we are moving in the right direction as a new majority, because we are putting children first. Everybody should be thinking about putting children first. They are our future. The tragedy is that 50 percent of our children today are not going to be ready to get a piece of the American dream in the 21st Century, the high-tech century. What a tragedy.

We are going to vote again to bring another 200,000 people from other countries to do our high-tech jobs, our $40,000, $50,000, $60,000 a year jobs because we do not have our own ready to take those jobs.

We cannot survive as a great society if we continue to do that. We must tackle the problem.

Mr. SCHAFFER. The contrast again could not be clearer. The Texas record is one of improving test scores. This is a graph of the Texas 4th graders when it comes to reading skills. Back in 1994, when Governor Bush took over the governorship in Texas, only 75 percent of Texas 4th graders could read at grade level, and that has increased to almost 90 percent in 1999.

That is a remarkable improvement. This is a huge contrast to what has been created by the Clinton-Gore administration. If we take, for example, the third international math study, math-science study comparison, which ranked American students Nationwide against their peers with 21 other industrial countries, we come in 19th.

This is something we have known about for 8 years that the Clinton and Gore regime have occupied the White House, and our test scores have not improved. They have gotten worse. So I guess the question that Americans need to decide in the next few days is whether we want to see the Texas style rates of improvement of dramatic increases in academic performance or whether we want to see the Clinton-Gore kinds of trends, which is declining performance when compared to international peers in the case of math and science.

□ 2100

I love Colorado. It is a great State. But nobody from Colorado is running for President of the United States. Of the two models, the bad Washington, D.C. model versus the good Texas model, I will choose the Texas model every time. I prefer that for my kids. I know most of my friends and neighborhoods around my district would far prefer to see improving test scores for their children, not declining test course. All of this is critically important to maintaining strength and solvency of our Republic.

It is going to be an interesting evening tonight as that debate gets under way in just a minute. I am really hopeful that Americans will remember the difference in opportunity, the opportunity that the White House has had, that AL GORE has had as Vice President of the United States, which he has squandered, he has done nothing about some of the problems that he has known to exist through the Department of Education, versus dramatic improvements that real leadership in Texas have achieved for real children with real parents in real communities in a State that has enjoyed great leadership. Now, that kind of leadership is something that we can have for the whole country.

Mr. GOODLING. Mr. Speaker, the Governor Bush model, of course, is the model I have tried to follow for 26 years, and that is to put people before politics but put children before politics. That is what he has done in Texas. That is why we have seen the kind of improvement that we see in Texas. Those children most in need in Texas are receiving the benefits that all of these programs that were created in Washington wanted to see happen, but it did not happen. It has happened with his leadership and leading a Democrat House and a Democrat Senate.

Mr. SCHAFFER. Mr. Speaker, I am grateful for the opportunity to be recognized tonight.

Mr. PAUL. Mr. Speaker, I thank the gentleman from Michigan and the gentleman from Colorado for allowing me the opportunity to express my thoughts on the education reform debate that is sure to consume much of our time in the remaining days of the 106th Congress. For all the sound and fury generated by the argument over education, the truth is that the differences between the congressional leadership and the administration are not significant; both wish to strengthen the unconstitutional system of centralized education. I trust I need not go into the flaws with President Clinton's command-and-control approach to education. However, this Congress has failed to present a true, constitutional alternative to President Clinton's proposal to further nationalize education.

It is becoming increasingly clear that the experiment in centralized control of education has failed, and that the best means of improving education is to put parents back in charge. According to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

American children deserve nothing less than the best educational opportunities, not warmed-over versions of the disastrous educational policies of the past. That is why I introduced H.R. 935, the Family Education Freedom Act. This bill would give parents an inflation-adjusted $3,000 per annum tax credit, per child for educational expenses. The credit applies to those in public, private, parochial, or home schooling.

This bill creates the largest tax credit for K–12 education in the history of our great Republic and it returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Restoring parental control is the key to improving education.

Of course, I applaud all efforts which move in the right direction such as the Education Savings Accounts legislation (H.R. 7). President Clinton's college tax credits are also good first steps in the right direction. However, Congress must act boldly—we can ill afford to waste another year without a revolutionary change in our policy. I believe my bill sparks this revolution and I am disappointed that the leadership of this Congress chose to ignore this fundamental reform and instead focused on reauthorizing great society programs and promoting the pseudo-federalism of block grants.

One area where this Congress has so far been successful in fighting for a constitutional education policy was in resisting President Clinton's drive for national testing. I do wish to express my support for the provisions banning the development of national testing contained in the Education Appropriations bill, and thank Mr. GOODLING for his leadership in this struggle.

Certain of my colleagues champion proposals to relieve schools of certain mandates so long as states and localities agree to be held "accountable" to the federal government for the quality of their schools. I have supported certain of these proposals because they do provide states and localities the option of escaping certain federal mandates.

However, there are a number of both practical and philosophical concerns regarding these proposals. The primary objection to this approach, from a constitutional viewpoint, is embedded in the very mantra of "accountability" stressed by the plans' proponents. Talk of accountability begs the question: accountable to whom? Under these type of plans, schools remain accountable to federal bureaucrats and those who develop the state tests upon which a schools' performance is judged. Should the schools not live up to their bureaucratically-determined "performance goals," they will lose their limited freedom from federal mandates. So federal and state bureaucrats will determine if the schools are to be allowed to participate in these programs and bureaucrats will judge whether the states are living up to the standards set in the state's education plan—yet this is supposed to debureaucratize and decentralize education!

Even absent the "accountability" provisions spending billions of taxpayer dollars on block grants is a poor way of restoring control over education to local educators and parents. Some members claim that the expenditure levels for not matter, it is the way the money is

spent which is important. Contrary to the view of the well-meaning but misguided members who promote block grants, the amount of taxpayer dollars spent on federal education does matter.

First of all, the federal government lacks constitutional authority to redistribute monies between states and taxpayers for the purpose of education, regardless of whether the monies are redistributed through federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the U.S. Constitution.

Furthermore, the federal government's power to treat state governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to federal control is the only way state and local officials can recapture any part of the monies of the federal government has illegitimately taken from a state's citizens. Of course, this is also the only way state officials can tax citizens of other states to support their education programs. It is the rare official who can afford not to bow to federal dictates in exchange for federal funding!

As long as the federal government controls education dollars, states and local schools will obey Federal mandates; the core program is not that federal monies are given with the inevitable strings attached, the real problem is the existence of federal taxation and funding.

Since federal spending is the root of federal control, by increasing federal spending this Congress is laying the groundwork for future Congresses to fasten more and more mandates on the states. Because state and even local officials, not federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the state governments into mere agents of the federal government.

While it is true that lower levels of intervention are not as bad as micro-management at the federal level, Congress' constitutional and moral responsibility is not to make the federal education bureaucracy "less bad." Rather, we must act now to put parents back in charge of education and thus make American education once again the envy of the world.

Hopefully the next Congress will be more reverent toward their duty to the U.S. Constitution and America's children. The price of Congress's failure to return to the Constitution in the area of education will be paid by the next generation of American children. In short, we cannot afford to continue on the policy read we have been going down. The cost of inaction to our future generations is simply too great.

REPORT ON RESOLUTION

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–971) on the resolution (H. Res. 624) waiving points of order against the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.RES. 596, AFFIRMATION OF THE UNITED STATES RECORD ON ARMENIAN GENOCIDE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–972) on the resolution (H. Res. 625) providing for consideration of the resolution (H.Res. 596) 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–973) on the resolution (H. Res. 626) waiving points of order against the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J.RES. 111, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–974) on the resolution (H. Res. 627) providing for consideration of the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–975) on the resolution (H. Res. 628) providing for consideration of the Senate amendment to the bill (H.R. 4386) 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 screen program, to amend the Public Health Service Act and the federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), 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. PASTOR (at the request of Mr. GEPHARDT) for today after 4:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 12 and 13.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today and October 12.

Mr. TANCREDO, for 5 minutes, today.

Mr. HORN, for 5 minutes, today and October 12 and 13.

Mr. WAMP, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today and October 12.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 12.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2417. An act to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Transportation and Infrastructure.

S. 2528. An act to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Commerce.

CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 106–969)

The committee of conference on the disagreeing votes of the two Houses on 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 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community management account.
Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of the Congress on intelligence community contracting.
Sec. 304. Prohibition on unauthorized disclosure of classified information.
Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
Sec. 307. POW/MIA analytic capability within the intelligence community.
Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 310. Designation of Daniel Patrick Moynihan Place.
Sec. 311. National Security Agency voluntary separation.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 322. Personnel.
Sec. 323. Diplomatic Telecommunications Service Oversight Board.
Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency's central services program.
Sec. 402. Technical corrections.
Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
Sec. 404. Detail of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Contracting authority for the National Reconnaissance Office.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Public Interest Declassification Board.
Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 705. Protection of national security information and other information.
Sec. 706. Standards and procedures.
Sec. 707. Judicial review.
Sec. 708. Funding.
Sec. 709. Definitions.
Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

Sec. 801. Short title.
Sec. 802. Designation.
Sec. 803. Requirement of disclosure of records.
Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4392 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the

number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $163,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking ''the Secretary or head'' and inserting ''subject to subparagraph (B), the Secretary or head''; and

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

''(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

''(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

''(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.''.

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.''.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

''§ 798A. Unauthorized disclosure of classified information

''(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

''(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

''(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

''(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any Member of Congress.

''(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

''(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

''(B) is within the scope of such officer's or employee's duties.

''(4) Any other person authorized to receive the classified information.

''(c) DEFINITIONS.—In this section:

''(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

''(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive order, as requiring protection against unauthorized disclosure for reasons of national security.

''(3) The term 'officer or employee of the United States' means the following:

''(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

''(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

''798A. Unauthorized disclosure of classified information.

''798B. Temporary extension of section 794.''.

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

''SEC. 116. (a) IN GENERAL.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

''(1) is consistent with intelligence community mission requirements, or

''(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

''(b) AUTHORIZED DELEGATION OF DUTY.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Travel on any common carrier for certain intelligence collection personnel.''.

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates and revises, as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606).

SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

''POW/MIA ANALYTIC CAPABILITY

''SEC. 117. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) UNACCOUNTED FOR UNITED STATES PERSONNEL.—In this section, the term 'unaccounted for United States personnel' means the following:

''(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947, as amended by section 305(b), is further amended by inserting after the item relating to section 116 the following new item:

''Sec. 117. POW/MIA analytic capability.''.

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

''TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

''APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

''SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

''(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

''TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

''Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.''.

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified material unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term ''covered classified material'' means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term ''covered element of the Department of State'' means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term ''material'' means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term ''Sensitive Compartmented Information (SCI) level'', in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the ''Avenue'');

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the ''grand axis'' of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on

Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a ''solid phalanx of public and private office buildings which close down completely at night and on weekends,'' but that it be ''lively, friendly, and inviting, as well as dignified and impressive'';

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the ''Guiding Principles for Federal Architecture,'' that recommends a choice of designs that are ''efficient and economical'' and that provide ''visual testimony to the dignity, enterprise, vigor, and stability'' of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the ''development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.'';

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as ''Daniel Patrick Moynihan Place''.

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that extends west to the facade of the Ronald Reagan Building and International Trade Center, from the point where the west facade of the Ariel Rios Building intersects the north end of the west hemicycle of that building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

(e) MARKERS.—The Administrator of General Services shall erect appropriate gateways or other markers in Daniel Patrick Moynihan Place so denoting that place.

SEC. 311. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION ACT.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 405 et seq.) is amended by inserting at the beginning the following new section 301:

''NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION

''SEC. 301. (a) SHORT TITLE.—This section may be cited as the 'National Security Agency Voluntary Separation Act'.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'Director' means the Director of the National Security Agency; and

''(2) the term 'employee' means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

''(c) ESTABLISHMENT OF PROGRAM.—Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

''(d) EARLY RETIREMENT.—An employee who—

''(1) is at least 50 years of age and has completed 20 years of service; or

''(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5, United States Code, if the employee has not less than 10 years of service with the National Security Agency.

''(e) AMOUNT OF SEPARATION PAY AND TREATMENT FOR OTHER PURPOSES.—

''(1) AMOUNT.—Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

''(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

''(B) $25,000.

''(2) TREATMENT.—Separation pay shall not—

''(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

''(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

''(f) REEMPLOYMENT RESTRICTIONS.—An employee who receives separation pay under such program may not be reemployed by the National Security Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the National Security Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(g) BAR ON CERTAIN EMPLOYMENT.—

''(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

''(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the National Security Agency; or

''(B) participate in any manner in the award, modification, or extension of any contract for property or services with the National Security Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

''(2) PENALTY.—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section multiplied by the proportion of the 12-month period during which the employee was in violation of the agreement.

''(h) LIMITATIONS.—Under this program, early retirement and separation pay may be offered only—

''(1) with the prior approval of the Director;

''(2) for the period specified by the Director; and

''(3) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

''(i) REGULATIONS.—Before an employee may be eligible for early retirement, separation pay, or both, under this section, the Director shall prescribe such regulations as may be necessary to carry out this section.

''(j) REPORTING REQUIREMENTS.—

''(1) NOTIFICATION.—The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h), and includes the proposed regulations issued pursuant to subsection (i).

''(2) ANNUAL REPORT.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.

''(k) REMITTANCE OF FUNDS.—In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).''.

(b) CLERICAL AMENDMENT.—The table of contents for title III of the National Security Act of 1947 is amended by inserting at the beginning the following new item:

''Sec. 301. National Security Agency voluntary separation.''.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION.—Effective 60 days after the date of the enactment of this Act, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

(b) PURPOSE AND DUTIES OF DTS-PO.—The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this subtitle referred to as ''DTS'') capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

SEC. 322. PERSONNEL.

(a) ESTABLISHMENT OF POSITION OF CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Effective 60 days after the date of the enactment of this Act, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as the ''CEO'').

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The CEO shall be an individual who—

(i) is a communications professional;

(ii) has served in the commercial telecommunications industry for at least 7 years;

(iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and

(iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) LIMITATIONS.—The CEO may not be an individual who was an officer or employee of DTS-PO prior to the date of the enactment of this Act.

(3) APPOINTMENT AUTHORITY.—The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) FIRST APPOINTMENT.—

(i) DEADLINE.—The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) LIMITATION ON USE OF FUNDS.—Of the funds available for DTS-PO on the date of the enactment of this Act, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) MAY NOT BE AN OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—The individual first appointed as CEO under this subtitle may not have been an officer or employee of the Federal government during the 1 year period immediately preceding such appointment.

(5) VACANCY.—In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) AUTHORITIES AND DUTIES.—

(A) IN GENERAL.—The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this subtitle.

(B) SPECIFIC AUTHORITIES.—In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

(i) final decision-making authority for implementing DTS policy; and

(ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) CERTIFICATION REGARDING SECURITY.—The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) REPORTS TO CONGRESS.—

(i) SEMIANNUAL REPORTS.—Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6 month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

(ii) OTHER REPORTS.—In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) ESTABLISHMENT OF POSITIONS OF DEPUTY EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be 2 Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) DUTIES.—The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) TERMINATION OF POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Effective upon the first appointment of a CEO pursuant to subsection (a), the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) EMPLOYEES OF DTS-PO.—

(1) IN GENERAL.—DTS-PO is authorized to have the following employees: a CEO established under subsection (a), 2 Deputy Executive Officers established under subsection (b), and not more than 4 other employees.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) AUTHORITY OF DIRECTOR OF OMB TO PRESCRIBE PAY OF EMPLOYEES.—The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this subtitle.

(2) CONTINUATION OF SERVICE.—An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this subtitle shall continue to be detailed to DTS-PO after that date, upon request.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD.

(a) OVERSIGHT BOARD ESTABLISHED.—

(1) IN GENERAL.—There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this subtitle referred to as the ''Board'') as an instrumentality of the United States with the powers and authorities herein provided.

(2) STATUS.—The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this subtitle.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall consist of 3 members as follows:

(i) The Deputy Director of the Office of Management and Budget.

(ii) 2 members to be appointed by the President.

(B) CHAIRPERSON.—The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

(C) TERMS.—Members of the Board appointed by the President shall serve at the pleasure of the President.

(D) QUORUM REQUIRED.—A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) DUTIES AND AUTHORITIES.—The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) LIMITATION ON AUTHORITY.—The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106–113).

SEC. 324. GENERAL PROVISIONS.

(a) REPORT TO CONGRESS.—Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) NOTIFICATION REQUIREMENTS.—The notification requirements of sections 502 and 505 of the National Security Act of 1947 shall apply to DTS-PO and the Board.

(c) PROCUREMENT AUTHORITY OF DTS-PO.—The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES OF JURISDICTION.—As used in this subtitle, the term ''appropriate congressional committees of jurisdiction'' means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) STATUTORY CONSTRUCTION.—Nothing in this subtitle shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) AUTHORIZATION OF APPROPRIATIONS FOR DTS-PO.—For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this subtitle.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

''(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

''(G) Receipts from individuals for the rental of property and equipment under the program.''.

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting ''other than structures owned by the Agency'' after ''depreciation of plant and equipment''.

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking ''annual audits under paragraph (1)'' and inserting the following: ''financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).''.

SEC. 402. TECHNICAL CORRECTIONS.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and''; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) TERMINOLOGY WITH RESPECT TO GOVERNMENT AGENCIES.—Section 17(e)(8) of such Act (50 U.S.C. 403q(e)(8)) is amended by striking ''Federal'' each place it appears and inserting ''Government''.

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

''(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

''(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Executive Director;

''(II) Deputy Director for Operations;

''(III) Deputy Director for Intelligence;

''(IV) Deputy Director for Administration; or

''(V) Deputy Director for Science and Technology;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.''.

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''DETAIL OF EMPLOYEES

''SEC. 22. The Director may—

''(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

''(2) hire personnel for the purpose of any detail under paragraph (1).''.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end the following new subsection:

''(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

''(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).''.

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''SCOPE OF AUTHORITY FOR EXPENDITURE.—'' after ''(b)''.

(c) APPLICABILITY.—Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The National Reconnaissance Office (''NRO'') shall negotiate, write, execute, and manage contracts for launch vehicle acquisition or launch that affect or bind the NRO and to which the United States is a party.

(b) EFFECTIVE DATE.—This section shall apply to any contract described in subsection (a) that is entered into after the date of the enactment of this Act.

(c) RETROACTIVITY.—This section shall not apply to any contract described in subsection (a) in effect as of the date of the enactment of this Act.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Counterintelligence Reform Act of 2000''.

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

''(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)''.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

''(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) Each report under the first sentence of paragraph (1) shall include a description of—

''(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

''(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.''.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking ''paragraph (3)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

''(B) The head of the department or agency concerned shall—

''(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

''(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

''(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.''; and

(4) in paragraph (5), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting ''in a timely manner'' after ''through appropriate channels''; and

(2) by inserting ''in a timely manner'' after ''are consulted''.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

''(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

''(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.''.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review for fiscal years 2002 and 2003 may be obligated or expended until the date on which the Attorney General submits the report required by paragraph (2) for the year involved.

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) an annual report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the committees of Congress specified in subsection (b)(2)(B) within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

''COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

''SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

''(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

''(1) as soon as practicable after the Department of Justice and the United States attorney concerned determine that a prosecution or potential prosecution could result; and

''(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

''(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.''.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DECLASSIFICATION OF INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Public Interest Declassification Act of 2000''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the ''Public Interest Declassification Board'' (in this title referred to as the ''Board'').

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the majority leader of the Senate;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board by the President—

(i) three shall be appointed for a term of four years;

(ii) one shall be appointed for a term of three years; and

(iii) one shall be appointed for a term of two years.

(B) The members initially appointed to the Board by the Speaker of the House of Representatives or by the majority leader of the Senate shall be appointed for a term of three years.

(C) The members initially appointed to the Board by the minority leader of the House of Representatives or the Senate shall be appointed for a term of two years.

(D) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be redesignated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 706(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments and the elements of the intelligence community, shall be provided on a consolidated basis.

(B) In this paragraph, the term ''elements of the intelligence community'' means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 703(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive order.

SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) IN GENERAL.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by that agency.

(b) SPECIAL ACCESS PROGRAMS.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) EXEMPTIONS TO RELEASE OF INFORMATION.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under subsection (b) of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), or section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

(e) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 706. STANDARDS AND PROCEDURES.

(a) LIAISON.—(1) The head of each agency with the authority under an Executive order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) LIMITATIONS ON ACCESS.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) DISCRETION TO DISCLOSE.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) DISCRETION TO PROTECT.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) REPORTS.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials to the Board by the head of an agency or the head of a Federal Presidential library of access to records or materials under this title.

(B) In this paragraph, the term ''appropriate congressional committees'' means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 707. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 708. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) FUNDING REQUESTS.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 709. DEFINITIONS.

In this title:

(1) AGENCY.—(A) Except as provided in subparagraph (B), the term ''agency'' means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) CLASSIFIED MATERIAL OR RECORD.—The terms ''classified material'' and ''classified record'' include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) DECLASSIFICATION.—The term ''declassification'' means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) DONATED HISTORICAL MATERIAL.—The term ''donated historical material'' means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) FEDERAL PRESIDENTIAL LIBRARY.—The term ''Federal Presidential library'' means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of the Federal Records Act of 1950.

(6) NATIONAL SECURITY.—The term ''national security'' means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term ''records or materials of extraordinary public interest'' means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive order.

(8) RECORDS OF ARCHIVAL VALUE.—The term ''records of archival value'' means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 710. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Japanese Imperial Government Disclosure Act of 2000''.

SEC. 802. DESIGNATION.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term ''Interagency Group'' means the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL GOVERNMENT RECORDS.—The term ''Japanese Imperial Government records'' means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation on, and persecution of, any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Government;

(B) any government in any area occupied by the military forces of the Japanese Imperial Government;

(C) any government established with the assistance or cooperation of the Japanese Imperial Government; or

(D) any government which was an ally of the Japanese Imperial Government.

(4) RECORD.—The term ''record'' means a Japanese Imperial Government record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall designate the Working Group established under the Nazi War Crimes Disclosure Act (Public Law 105–246; 5 U.S.C. 552 note) to also carry out the purposes of this title with respect to Japanese Imperial Government records, and that Working Group shall remain in existence for 3 years after the date on which this title takes effect. Such Working Group is redesignated as the ''Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group''.

(2) MEMBERSHIP.—Section 2(b)(2) of such Act is amended by striking ''3 other persons'' and inserting ''4 other persons who shall be members of the public, of whom 3 shall be persons appointed under the provisions of this Act in effect on October 8, 1998.''.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 803—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Government records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Government Records Interagency Working Group shall release in their entirety Japanese Imperial Government records.

(b) EXEMPTIONS.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute an unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about an intelligence source or method when the unauthorized disclosure of that source or method would damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal United States military war plans that remain in effect;

(7) reveal information that would impair relations between the United States and a foreign government, or undermine ongoing diplomatic activities of the United States;

(8) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Government. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) RECORDS RELATED TO INVESTIGATIONS OR PROSECUTIONS.—This section shall not apply to records—

(1) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(2) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAPANESE IMPERIAL GOVERNMENT RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 802(a)(3) and who requests a Japanese Imperial Government record shall be deemed to have a compelling need for such record.

SEC. 805. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

And the Senate agree to the same.

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

PORTER J. GOSS,
JERRY LEWIS,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD L. BOEHLERT,
C.F. BASS,
JIM GIBBONS,
RAY LAHOOD,
HEATHER WILSON,
JULIAN C. DIXON,
SANFORD D. BISHOP, Jr.,
NORMAN SISISKY,
GARY A. CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,

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

FLOYD SPENCE,
BOB STUMP,
IKE SKELTON,

Managers on the Part of the House.

RICHARD C. SHELBY,
RICHARD G. LUGAR,
JON KYL,
JAMES INHOFE,
ORRIN G. HATCH,
PAT ROBERTS,
CONNIE MACK,

From the Committee on Armed Services:

JOHN WARNER,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK R. LAUTENBERG,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and the 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 4392 and S. 2507, should be undertaken to the extent that such congressionally directed actions are not amended, altered, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 4392.

REPORT OF THE NATIONAL COMMISSION ON TERRORISM

Pursuant to Public Law 105–277, the National Commission on Terrorism, chaired by

former Ambassador L. Paul Bremer III, submitted its report to Congress in June 2000. The managers commend the Commission for its effort and contribution on this critical issue.

Many of the Commission's findings strongly support positions Congress has taken. The Commission report reinforces the assessment by Congress of the scope and evolving nature of the international terrorist threat. The Commission further highlights the managers' view that good intelligence is one of the best tools against international terrorism, and that there is an urgent need to rebuild the NSA.

The Commission determined that some policies and other restrictions are hindering efforts to counter terrorism. For example, the Commission highlighted—with concern—the complex manner in which the Justice Department implements the Foreign Intelligence Surveillance Act (FISA). It noted, however, that the Attorney General managed to streamline the Department's processes for considering FISA warrants-still in a manner fully consistent with the law-in order to address the myriad terrorist threats during the millennium period. The Commission noted that the United States government was much more effective in pursuing terrorists during that period. The managers appreciate the Commission's support for the efforts of all involved in countering the millennium threats.

The Commission recommended the elimination of the 1995 DCI guidelines requiring approvals from CIA headquarters before terrorist informants who have human rights violations in their background can be recruited. The rationale stated by the Commissioners was that it should be understood by all in the Intelligence Community that aggressive recruitment of human intelligence sources is one of the highest priorities. The managers share this priority, and will continue to examine the implementation of these important guidelines. The managers are concerned, however, that there may be intangible impediments to recruitment of such terrorist informants. For instance, there may be some in CIA headquarters who believe that Congress and the American public will not support a CIA relationship with a ''terrorist organization insider,'' or close associates of terrorists, even though such persons may often be in the best or only position to provide valuable counterterrorism intelligence. The managers applaud the determined effort of the CIA to ensure that all case officers understand the commitment of the Agency to the recruitment of persons with access to information on terrorist organizations or access to the organizations themselves. The managers also insist that appropriate recruitment of such sources receives the continued and necessary support from CIA management at all levels.

Unquestionably, a robust and effective intelligence effort will, from time to time, require U.S. interaction with extremely dangerous and truly unsavory characters. After all, it is an unfortunate matter of fact that individuals with reputable backgrounds rarely yield the key intelligence leads that are critical to the counterterrorist efforts of the United States.

The managers strongly support an aggressive counterterrorism program, and urge all intelligence officers to continue their heroic efforts to deter terrorist activities against U.S. citizens and interests at home and around the world.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2001. Section 101 is identical to section 101 of the House bill and section 101 of the Senate amendment.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 2001 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The classified annex provides the details of the Schedule. Section 102 is identical to section 102 of the House bill and section 102 of the Senate amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2001 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only if necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit wholesale increases in personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs that are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the House bill and section 103 of the Senate amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account (CMA) of the Director of Central Intelligence (DCI) and sets the personnel end-strength for the Intelligence Community management staff for fiscal year 2001.

Subsection (a) authorizes appropriations of $163, 231,000 for fiscal year 2001 for the activities of the CMA of the DCI. This amount includes funds identified for the Advanced Research and Development Committee and the Advanced Technology Group, which shall remain available until September 30, 2002.

Subsection (b) authorizes 313 full-time personnel for the Community Management Staff for fiscal year 2001 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States government.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and permits these additional amounts to remain available through September 30, 2002.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, or for temporary situations of less than one year, personnel from another element of the United States government be detailed to an element of the CMA on a reimbursable basis.

Subsection (e) authorizes $34,100,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DCI to transfer these funds to the Department of Justice to be used for NDIC activities under the authority of the Attorney General and subject to section 103(d)(1) of the National Security Act. Subsection (e) is similar to subsection (e) of the House bill and subsection (e) of the Senate amendment.

The managers note that since Fiscal Year 1997 the Community Management Account has included authorization for appropriations for the National Drug Intelligence Center (NDIC). Over that time, the funding level for the NDIC has remained unchanged. The committees periodically have expressed concern about the effectiveness of NDIC and its ability to fulfill the role for which it was created. The managers are encouraged, however, by the NDIC's recent improved performance and by the refocused role for the organization, which was outlined in the Administration's General Counterdrug Intelligence Plan earlier this year. The managers agree to provide $7.1 million over the requested amount for the NDIC and instruct the Director of the NDIC to provide a spending plan to the intelligence committees and to the appropriations committees within 90 days of enactment of this Act.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 105 is identical to Section 105 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to Section 201 of the Senate amendment and section 201 of the House bill.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the Senate amendment and section 301 of the House bill.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the Senate amendment and section 302 of the House bill.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 303 is identical to section 303 of the House bill. The Senate amendment had no similar provision. The Senate recedes to the House provision.

SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

Section 304 is identical to section 303 of the Senate amendment. The House bill had no similar provision. The House recedes.

Unauthorized disclosures of sensitive intelligence information are of great concern. Such disclosures, regardless of whether they involve an intelligence ''success'' or ''failure,'' can compromise irreplaceable sources and methods, and in some cases, can directly endanger lives.

The managers note that the current Executive Order governing classified national security information (E.O. 12958) requires that, in order to classify information, the original classifying authority must determine that unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and the original classification authority must be able to identify or describe the damage. The managers further note that the current Executive Order specifically prohibits the classification of information in order to conceal violations of law, inefficiency, or administrative error or to prevent embarrassment to the government.

It is the intent of the managers that the government may meet its burden of proof under this statute by proving that the information was classified under the applicable statute or Executive Order. The government should not be required to prove that damage to the national security actually has or will result from the unauthorized disclosure. Subsection (c)(2) is not intended by the managers to create a defense based on a technical error in the classification markings, or the lack thereof, or to create a right of the defendant to dispute the propriety of the President's classification decision. The managers believe that requiring the government to prove that the classified information is or has been properly classified under an applicable statute or Executive Order strikes the appropriate balance between protecting only that information that would damage the national security if disclosed and not creating a burden of proof that is so great that the government could never meet its burden without having to disclose unnecessarily additional classified information.

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER

Section 305 is similar to Section 304 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with amendment.

Section 4(b)(3) of the CIA Act of 1949, as amended, provides the DCI with authority to promulgate regulations governing travel requirements for CIA officers and other federal government employees or members of the Armed Services detailed to the CIA.

Subject to regulation, CIA employees and detailees to the CIA may be permitted to use non-American-flag airlines when it is determined to be essential to satisfy mission requirements. The managers believe that this type of flexibility is necessary for other personnel of the Intelligence Community carrying out intelligence community mission requirements, given the nature of the work of the Intelligence Community. This provision is not intended to supersede the CIA's current regulation relating to this matter. Rather, it is a complementary provision meant to ensure an appropriate level of latitude to the Intelligence Community to carry out the critically important activities in pursuit and defense of the national security.

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON U.S.

Section 306 is similar to Section 306 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with technical amendment.

SEC. 307 POW/MIA ANALYTIC CAPABILITY IN THE INTELLIGENCE COMMUNITY

Section 307 is similar to Section 304 of the Senate amendment. The House bill had no similar provision. The House recedes, with technical modifications.

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

Section 308 is identical to Sec. 305 of the Senate amendment. The House had no similar provision. The House recedes.

The managers note that section 308 applies only to intelligence activities of the United States. By its clear terms, this provision deals solely with the application of U.S. law to U.S. intelligence activities. Unquestionably, it does not address the issue of the lawfulness of such activities under the laws of foreign countries. It is also not meant to suggest that a person violating the laws of the United States may claim any authorization from a foreign government as justification for a violation of a U.S. law, or as a defense in a prosecution for such violation.

SEC. 309. LIMITS ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE

Section 309 is identical to Section 306 of the Senate amendment. The House addressed this issue in the classified annex to the report accompanying the bill H.R. 4392, but had no similar statutory proposal. The House recedes.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE

Section 310 is nearly identical to Section 309 of the Senate amendment. The House had no similar provision. The House recedes, with technical amendments. The managers agreed to technical modifications pertaining to the exact description and location of the parcel of land in Washington, D.C., to be designated in honor of the retiring senior Senator from the State of New York.

SEC. 311. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION PAY ACT

Neither the House bill nor the Senate amendment contained similar provisions.

Section 311 establishes the ''National Security Agency Voluntary Separation Act.'' This provision grants to the Director of the National Security Agency (NSA) the authority to establish a program for early retirement and voluntary separation pay for NSA employees. The provision allows the Director to either offer early retirement for employees who are at least 50 years of age and have 20 years of service, or who have at least 25 years of service, regardless of age. The Director is also permitted to offer $25,000 in separation pay to eligible applicants. The Director is empowered to deny an employee's application for benefit under this section.

The NSA is in a unique period of transition, the success of which will affect the overall capabilities of the Intelligence Community for the next several decades. The Director of Central Intelligence has claimed that the modernization of NSA is his number one priority. There are several aspects to the NSA modernization effort that range from overhauling technical collection, to restructuring acquisition, to new personnel programs, including major outsourcing initiatives. The Director needs the flexibility to institute whatever personnel changes he deems necessary if NSA modernization is to be successful. This provision will give him that needed flexibility. This section is modeled after the CIA Voluntary Separation Pay Act (Public Law 103–36).

The managers understand that such authority could be seen as setting a precedent, and that other agencies may wish to have such authorities as well. In the managers' view, the situation at NSA is unique, not only in the enormity of the task of modernization, but also in the direct impact on national security should NSA modernization fail. Therefore, the managers believe that this is a necessary step to take for the specific circumstance confronting the NSA.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS–PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Section 321 reorganizes the Diplomatic Telecommunications Service Program Office (DTS–PO). The managers agree that the current DTS–PO management and Diplomatic Telecommunication Service (DTS) operations structure is fundamentally flawed and believe that a new construct for managing the DTS is necessary. They further agree that retaining the current DTS–PO organization, but with a new management approach, is the best means for improving DTS support to all U.S. government users. Funding has been authorized in this legislation for the purposes of overhauling the DTS–PO management and correcting communications and security deficiencies within the DTS.

The current organizational structure requires that both the DTS–PO Director and Deputy Director concur on technical, funding, and operational issues before actions can be taken. This management-by-consensus approach abrogates the authority of the Director to make final decisions. It is clear to the managers that this management approach is not working, and that the parent organizations inherently lack the ability, and the will, to work together to resolve their mutual DTS issues of concern. Further, it is clear to the managers that the Office of Management and Budget has been frustrated in its obligations to ensure that executive branch organizations work together. Of significant concern is that, as currently operated, DTS–PO has exhibited substantial interruptions in service and presents serious security concerns for the protection of sensitive government communications. Because of these concerns, the managers, and the Chairmen and Ranking Minority Members of the other committees of jurisdiction, believe that a new management structure for DTS–PO is required and decidedly overdue. Similarly, they are of the view that a transition to a more modern and effective telecommunications system, based on commercial best-business practices, is warranted.

SEC. 322. CHIEF EXECUTIVE OFFICER AND OTHER DTS–PO PERSONNEL

Section 322 establishes the position of Chief Executive Officer (CEO) and a DTS board of directors. The CEO is to be ultimately responsible for the management of the DTS–PO and operation of the DTS. The managers direct the OMB to recruit and hire a communications professional from outside the DTS–PO and the U.S. government for appointment as the CEO. This appointment is to be made no later than May 1, 2001. The CEO is granted the authorities necessary for managing, ensuring funding for, and operating the DTS, the DTS–PO, and their personnel. It is the managers' intent that the

CEO will be the final decision authority for implementing necessary changes to the DTS, and for managing all communications, technology, and security upgrades to satisfy DTS United States user requirements. The managers further direct the CEO to certify that the operational and security requirements and practices of DTS conform to the highest security requirements and practices required by any U.S. government agency utilizing the DTS.

Consistent with Section 305 of the ''Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001'' (section 305 of appendix G of Public Law 106–113), the CEO shall: (1) ensure that those enhancements of, and the provision of service for, telecommunications capabilities that involve the national security interests of the United States receive the highest prioritization; (2) confirm the termination of all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances; and (3) implement a system of charges for utilization of bandwidth by all participating agencies, and institute a comprehensive charge-back system to recover all, or substantially all, of the other costs of telecommunications services provided through the DTS to each agency.

Beginning August 1, 2001, and every six months thereafter, the CEO shall submit a report to the oversight committees regarding the activities of DTS–PO during the preceding six months, the current capabilities of DTS–PO, and the priorities of DTS–PO for the subsequent six month period. The semiannual report shall include a discussion of any administrative, budgetary, legislative, or management issues that hinder the ability of DTS–PO to fulfill its mandate.

Upon the appointment of a CEO on May 1, 2001, the current positions of Director and Deputy Director of DTS–PO shall be eliminated. To assist the CEO, and to perform such duties as the CEO may require, there shall be two Deputy Executive Officers. The DTS–PO management staff will consist of not more than four other employees. The Director of the Office of Management and Budget (OMB) shall prescribe the rates of basic pay for the CEO, the two Deputy Executive Officers, and any other DTS–PO employees.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD

Section 323 establishes a Diplomatic Telecommunications Service Oversight Board (''the Board''). The Board shall perform an oversight function with respect to DTS, DTS–PO, and the CEO. Specifically, the Board shall be empowered to review and approve: overall strategies, policies and goals established by DTS–PO; financial plans, budgets and periodic financing requests developed by DTS–PO; overall performance relative to approved budget plans; any DTS–PO reports, documents, and records; and audits of DTS–PO. The CEO will be responsible to this three-member board, which will be chaired by the Deputy Director of OMB. The two other board members shall be appointed by the President, as indicated in the classified annex to this bill. Decisions and directives of the Board shall require a majority vote of the Board. Although the Board will exercise oversight of, and provide management direction to, the CEO, the managers have authorized the CEO to control the day-to-day management and operations of DTS–PO and the DTS.

SEC. 324. REPORTING REQUIREMENTS AND GENERAL PROVISIONS

Section 324 requires that the Director of the OMB submit a report to the oversight committees not later than March 1, 2001. This report shall provide details on steps taken by the executive branch to restructure DTS–PO's management, to enhance the security practices of agencies participating in the DTS, and to develop a spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

The managers have determined that the most flexible procurement authority available to DTS–PO users shall be available to the DTS–PO. The notification requirements of sections 502, 504, and 505 of the National Security Act of 1947, as amended (50 U.S.C. 413a, 414, and 415, respectively) shall apply to DTS–PO, the CEO, and the Board.

It is the intent of Congress that the CEO shall have total and immediate insight into the complete operations of current and future DTS–PO and DTS operations. The managers expect the Secretary of State and the head of the other agency users to ensure this access. Likewise, Congress intends that the CEO can request the assistance of the Inspectors General of any agency user of the DTS and DTS–PO. The CEO should receive all reports from the IGs that relate to security of applicable overseas facilities and the DTS.

It is the intent of Congress that the Secretary of State, and the head of any other agency user of DTS, shall support the decisions and recommendations of the CEO in keeping with the current operation and transition of the DTS system. The CEO is expected to report any difficulties or obstacles presented by the agency users of the DTS in the implementation of these provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICE PROGRAM

Section 401 is similar to Section 401 of the House bill and Section 403 of the Senate Amendment. The Senate recedes, with a technical modification.

There is concern among the managers relating to the costs levied by the Central Services Program upon the Langley Children's Center. These costs, for various and miscellaneous items or services provided by the Central Services Program to the nonprofit Center, seem overly burdensome. The Center is of great utility to the dedicated and hard-working parents employed by the CIA. It is the expectation of the managers that the Central Services Program, in an effort to recoup costs, would not impose costs that would have an adverse impact on the continuity of the services provided by the Langley Children's Center.

SEC. 402. TECHNICAL CORRECTIONS

The House bill and the Senate amendment contained similar provisions. The Senate recedes to the House, with technical modifications.

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS

Section 403 is similar to Section 401 of the Senate amendment. The House had no similar provision. The House recedes, with technical modifications.

The conferees intend that this additional reporting requirement identified in the new Section 17(d)(3)(B) will arise when an investigation, inspection, or audit carried out by the Inspector General focuses upon the official identified in (i) or (ii), specifically, as opposed to an investigation, inspection, or audit of the office that the official heads, with only incidental references to the official.

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE

Section 404 is identical to Section 404 of the Senate amendment. The House had no similar provision. The House recedes. The managers request that the DCI supply the intelligence committees with a report to be submitted annually, beginning October 1, 2001, that includes the number of detailees assigned pursuant to this provision and a description of the positions filled by the detailees.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND

Section 405 is similar to Section 405 of the Senate amendment. The House had no similar provision. The House recedes, with a technical amendment.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE

Section 406 is identical to Section 406 of the Senate amendment. The House had no similar provision. The House recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE

Section 501 is similar to Section 502 of the House bill. The Senate amendment had no similar provision. The Senate recedes, with a technical amendment.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL

Section 502 is identical to Section 502 of the Senate amendment. The House had no similar provision. The House recedes.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE

Section 503 is identical to Section 506 of the Senate amendment. The House had no similar provision. The House recedes.

TITLE VI—COUNTERINTELLIGENCE MATTERS

THE ''COUNTERINTELLIGENCE REFORM ACT OF 2000''

Title VI includes Title VI of the Senate amendment. This language is similar to S. 2089, introduced on February 24, 2000. The bill was reported by the Senate Select Committee on Intelligence on July 20, 2000 (S. Report No. 106–352). The Senate Judiciary Committee had previously acted favorably upon the bill. The House had no similar provision. The House recedes, with minor modifications.

Title VI, as passed by the Senate on October 2, 2000, included a limitation on the obligation and expenditure of funds authorized to be appropriated for fiscal year 2001 for the Office of Intelligence Policy and Review (OIPR) within the Department of Justice until two reports were submitted to the appropriate committees. These reports were to describe the use to which the funds would be put in order to improve the efficiency of the FBI and the OIPR in the application and implementation process under the Foreign Intelligence Surveillance Act. In anticipation of passage of the Senate amendment, the Department of Justice submitted a draft version of the required reports to the congressional committees. Given the prompt response, the limitation for the obligation and expenditure of fiscal year 2001 funds is removed. The managers have left in place,

however, the similar limitation on funds for fiscal years 2002 and 2003, pending the receipt of the recurring annual report required by section 606(b)(2).

TITLE VII—DECLASSIFICATION OF INFORMATION

''THE PUBLIC INTEREST DECLASSIFICATION ACT''

Title VII includes Title VIII of the Senate amendment. This title was based on the bills H.R. 3152 and S. 1801, introduced in the House and Senate in the 106th Congress, respectively. The House had no similar provision. The House recedes, with technical amendments.

Section 701 states that the title may be cited as the ''Public Interest Declassification Act of 2000.'' Section 702 makes findings concerning the importance of public access to information that does not require continued protection to maintain the national security interests of the United States. Section 703 establishes a nine-person board to advise the President and other senior executive branch officials on classification and declassification policies, particularly on policies concerning the systematic, thorough, coordinated, and comprehensive review for declassification of records and materials that are of archival value, including records and materials of extraordinary public interest. The Board is also charged with promoting the fullest possible public access to a thorough, accurate, and reliable documentary record of significant US national security decisions and significant US national security activities.

Section 704 sets forth the requirement that heads of agencies with the authority to classify information must brief the Board on an annual basis, at the request of the Board or the intelligence oversight committees, on such agency's declassification policies and practices. The Board is to provide the agency with its recommendations on how the agency's declassification program could be improved. The Board is also responsible for making recommendations to the President on initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest. The section also requires the Director of the Office of Management and Budget to publish a description of the President's declassification program and priorities, together with a listing of funds requested to implement that program, concurrent with the submission to Congress of the President's budget each fiscal year.

Sections 705, 706, and 707 set forth the standards governing access to and protection of national security information and other information covered under this title. Section 708 provides an authorization of appropriations for the Board. Section 709 sets forth definitions of the terms used in Title VII. The effective date of Title VII is 120 days after the date of enactment of the Act. The provisions of the title expire four years after the date of enactment of the Act.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

THE ''NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT DISCLOSURE ACT OF 2000''

Title VIII is similar to title VII of the Senate amendment, which was identical to the language of H.R. 3561 and S. 1902. The House had no similar provision. The House recedes, with modifications.

The modifications require that the interagency working group established pursuant to the Nazi War Crimes Disclosure Act of 1999 (P.L. 105–246) be expanded and assigned the responsibility of also carrying out the requirements of this title. The managers decided this was the most cost-effective approach, rather than establishing a new interagency working group.

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

PORTER J. GOSS,
JERRY LEWIS,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD L. BOEHLERT,
C.F. BASS,
JIM GIBBONS,
RAY LAHOOD,
HEATHER WILSON,
JULIAN C. DIXON,
SANFORD D. BISHOP, Jr.,
NORMAN SISISKY,
GARY A. CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,

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

FLOYD SPENCE,
BOB STUMP,
IKE SKELTON,
Managers on the Part of the House.

RICHARD C. SHELBY,
RICHARD G. LUGAR,
JON KYL,
JAMES INHOFE,
ORRIN G. HATCH,
PAT ROBERTS,
CONNIE MACK,

From the Committee on Armed Services:

JOHN WARNER,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK R. LAUTENBERG,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2415, BANKRUPTCY REFORM ACT OF 2000

Mr. GEKAS (during the Special Order of Mr. SCHAFFER) submitted the following conference report and statement on the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–970)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415), an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. ENACTMENT OF BANKRUPTCY REFORM ACT OF 2000.

The provisions of S. 3186 of the 106th Congress, as introduced on October 11, 2000, are hereby enacted into law.

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the provisions referred to in section 1.

And the Senate agree to the same.

HENRY HYDE,
GEORGE W. GEKAS,
DICK ARMEY,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
ROD GRAMS,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415) an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment.

The conference agreement would enact the provision of S. 3186 of the 106th Congress, as introduced on October 11, 2000. The text of that bill follows:

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

(a) SHORT TITLE.—This Act may be cited as the ''Bankruptcy Reform Act of 2000''.

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

Sec. 100. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
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TITLE II—ENHANCED CONSUMER PROTECTION

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Sec. 202. Effect of discharge.
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Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.

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Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
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Sec. 224. Protection of retirement savings in bankruptcy.
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Sec. 226. Definitions.
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TITLE III—DISCOURAGING BANKRUPTCY ABUSE

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Sec. 314. Debt incurred to pay nondischargeable debts.
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Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
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Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
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Sec. 321. Chapter 11 cases filed by individuals.
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Sec. 325. United States trustee program filing fee increase.
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TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

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Sec. 902. Authority of the corporation with respect to failed and failing institutions.
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Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
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TITLE X—PROTECTION OF FAMILY FARMERS

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Sec. 1102. Disposal of patient records.
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Sec. 1201. Definitions.
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TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1401. Effective date; application of amendments.

TITLE I—NEEDS—BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not at the request or suggestion of'' and inserting ''trustee, bankruptcy administrator, or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title,'' after ''consumer debts''; and

(III) by striking ''a substantial abuse'' and inserting ''an abuse''; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

''(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

''(II) $10,000.

''(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

''(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

''(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

''(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child under the age of 18 years up to $1,500 per year per child to attend a private elementary or secondary school, if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary.

''(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

''(I) the sum of—

''(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

''(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

''(II) 60.

''(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

''(I) the total amount of debts entitled to priority; divided by

''(II) 60.

''(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

''(ii) In order to establish special circumstances, the debtor shall be required to—

''(I) itemize each additional expense or adjustment of income; and

''(II) provide—

''(aa) documentation for such expense or adjustment to income; and

''(bb) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

''(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

''(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

''(II) $10,000.

''(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

''(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

''(A) whether the debtor filed the petition in bad faith; or

''(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

''(4)(A) The court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

''(i) a trustee appointed under section 586(a)(1) of title 28 or from a panel of private trustees maintained by the bankruptcy administrator brings a motion for dismissal or conversion under this subsection; and

''(ii) the court—

''(I) grants that motion; and

''(II) finds that the action of the counsel for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

''(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the trustee, the United States trustee, or the bankruptcy administrator.

''(C) In the case of a petition, pleading, or written motion, the signature of an attorney shall constitute a certification that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

''(ii) determined that the petition, pleading, or written motion—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

''(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion brought by a party in interest (other than a trustee, United States trustee, or bankruptcy administrator) under this subsection if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

''(C) For purposes of this paragraph—

''(i) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(I) has less than 25 full-time employees as determined on the date the motion is filed; and

''(II) is engaged in commercial or business activity; and

''(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(I) a parent corporation; and

''(II) any other subsidiary corporation of the parent corporation.

''(6) Only the judge, United States trustee, or bankruptcy administrator may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.

''(7) No judge, United States trustee, panel trustee, bankruptcy administrator or other party in interest may bring a motion under paragraph (2), if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 6-month period preceding the date of determination; and

''(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act and payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;''.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The trustee shall—''; and

(2) by adding at the end the following:

''(b)(1) With respect to an individual debtor under this chapter—

''(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee or bankruptcy administrator shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be appropriate, if the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

''(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census.

''(3) In any case in which a motion to dismiss or convert, or a statement is required to be filed by this subsection, the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 704(b)(2) if the product of the debtor's current monthly income multiplied by 12 exceeds 100 percent, but does not exceed 150 percent of—

''(A)(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

''(ii) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; and

''(B) the product of the debtor's current monthly income, reduced by the amounts determined under section 707(b)(2)(A)(ii) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service) and clauses (iii) and (iv) of section 707(b)(2)(A), multiplied by 60 is less than the lesser of—

''(i) 25 percent of the debtor's nonpriority unsecured claims in the case or $6,000, whichever is greater; or

''(ii) $10,000.''.

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

''(d) In an individual case under chapter 7 in which the presumption of abuse is triggered under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has been triggered.''.

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee, bankruptcy administrator or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by this section, is amended by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

''(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

''(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victims dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

''(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.''.

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) the action of the debtor in filing the petition was in good faith;''.

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ''to unsecured creditors'' after ''to make payments''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child

support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

''(A) for the maintenance or support of the debtor or a dependent of the debtor or for a domestic support obligation that first becomes payable after the date the petition is filed and for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

''(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

''(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.''.

(i) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 11 or 13.''.

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

''(1) a brief description of—

''(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

''(B) the types of services available from credit counseling agencies; and

''(2) statements specifying that—

''(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both; and

''(B) all information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General.''.

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate individual debtors on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit budget and credit counseling agencies for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from that agency by reason of the requirements of paragraph (1).

''(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.

''(12)(A) Paragraph (11) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of that district determines that the approved instructional courses are not adequate to service the additional individuals required to complete such instructional courses under this section.

''(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

''(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the

additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

''(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Credit counseling services; financial management instructional courses

''(a) The clerk of each district shall maintain a publicly available list of—

''(1) credit counseling agencies that provide 1 or more programs described in section 109(h) currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable; and

''(2) instructional courses concerning personal financial management currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable.

''(b) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency or instructional course concerning personal financial management as follows:

''(1) The United States trustee or bankruptcy administrator shall have thoroughly reviewed the qualifications of the credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the programs or instructional courses which will be offered by such agency or provider, and may require an agency or provider of an instructional course which has sought approval to provide information with respect to such review.

''(2) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

''(3) When an agency or course of instruction is initially approved, such approval shall be for a probationary period not to exceed 6 months. An agency or course of instruction is initially approved if it did not appear on the approved list for the district under subsection (a) immediately prior to approval.

''(4) At the conclusion of the probationary period under paragraph (3), the United States trustee or bankruptcy administrator may only approve for an additional 1-year period, and for successive 1-year periods thereafter, any agency or course of instruction which has demonstrated during the probationary or subsequent period that such agency or course of instruction—

''(A) has met the standards set forth under this section during such period; and

''(B) can satisfy such standards in the future.

''(5) Not later than 30 days after any final decision under paragraph (4), that occurs either after the expiration of the initial probationary period, or after any 2-year period thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

''(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters as relate to the quality, effectiveness, and financial security of such programs.

''(2) To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

''(A) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

''(i) are not employed by the agency; and

''(ii) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

''(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

''(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

''(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

''(E) provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts;

''(F) provide trained counselors who receive no commissions or bonuses based on the counseling session outcome, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

''(G) demonstrate adequate experience and background in providing credit counseling; and

''(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

''(d) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

''(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

''(A) trained personnel with adequate experience and training in providing effective instruction and services;

''(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such course of instruction;

''(C) adequate facilities situated in reasonably convenient locations at which such course of instruction is offered, except that such facilities may include the provision of such course of instruction or program by telephone or through the Internet, if the course of instruction or program is effective; and

''(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such course of instruction or program, including any evaluation of satisfaction of course of instruction or program requirements for each debtor attending such course of instruction or program, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee, bankruptcy administrator, or chief bankruptcy judge for the district in which such course of instruction or program is offered; and

''(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

''(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

''(B) is otherwise likely to increase substantially debtor understanding of personal financial management.

''(e) The District Court may, at any time, investigate the qualifications of a credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such credit counseling agencies. The District Court may, at any time, remove from the approved list under subsection (a) a credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

''(f) The United States trustee or bankruptcy administrator shall notify the clerk that a credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

''(g)(1) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

''(2) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(A) any actual damages sustained by the debtor as a result of the violation; and

''(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

''(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.''.

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

''(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency described in section 111 acting on behalf of the debtor;

''(B) the offer of the debtor under subparagraph (A)—

''(i) was made at least 60 days before the filing of the petition; and

''(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

''(C) no part of the debt under the alternative repayment schedule is nondischargeable.

''(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

''(A) the creditor unreasonably refused to consider the debtor's proposal; and

''(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).''.

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.''.

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title), unless the plan is dismissed, in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

''(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

''(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

''(2) such act is in the ordinary course of business between the creditor and the debtor; and

''(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.''.

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;'';

(2) by adding at the end the following:

''(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with the reaffirmation.

''(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

''(3) The disclosure statement required under this paragraph shall consist of the following:

''(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

''(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

''(C) The 'Amount Reaffirmed', using that term, which shall be—

''(i) the total amount which the debtor agrees to reaffirm, and

''(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

''(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

''(i) 'The amount of debt you have agreed to reaffirm'; and

''(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

''(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

''(i) if, at the time the petition is filed, the debt is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

''(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)(5) and (6)), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

''(ii) if, at the time the petition is filed, the debt is closed end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

''(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act (15 U.S.C. 1638(a)(4)), as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

''(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act (15 U.S.C. 1601 et seq.), by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

''(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

''(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

''(i) by making the statement: 'Your first payment in the amount of $_____ is due on _____ but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

''(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

''(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

''(I) The following statement: 'Note: When this disclosure refers to what a creditor 'may' do, it does not use the word 'may' to give the creditor specific permission. The word 'may' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'.

''(J)(i) The following additional statements:

'''Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

'''1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

'''2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

'''3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

'''4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

'''5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

'''6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

'''7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

'''Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

'''What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of the agreement in the future under certain conditions.

'''Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

'''What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

''(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

'''6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

''(4) The form of reaffirmation agreement required under this paragraph shall consist of the following:

'''Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

'''Brief description of credit agreement:

'''Description of any changes to the credit agreement made as part of this reaffirmation agreement:

'''Signature: Date:

'''Borrower:

'''Co-borrower, if also reaffirming:

'''Accepted by creditor:

'''Date of creditor acceptance:'.

''(5)(A) The declaration shall consist of the following:

'''Part C: Certification by Debtor's Attorney (If Any).

'''I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

'''Signature of Debtor's Attorney: Date:'.

''(B) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

''(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

''(6)(A) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'''Part D: Debtor's Statement in Support of Reaffirmation Agreement.

'''1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____.

''2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

''(B) Where the debtor is represented by counsel and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)), the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'''I believe this agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'

''(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following:

'''Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.). I (we), the debtor, affirm the following to be true and correct:

'''I am not represented by an attorney in connection with this reaffirmation agreement.

'''I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

'''Therefore, I ask the court for an order approving this reaffirmation agreement.'.

''(8) The court order, which may be used to approve a reaffirmation, shall consist of the following:

'''Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

''(9) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

''(A) such creditor retains a security interest in real property that is the debtor's principal residence;

''(B) such act is in the ordinary course of business between the creditor and the debtor; and

''(C) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.

''(l) Notwithstanding any other provision of this title:

''(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

''(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

''(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

''(m)(1) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. No agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing shall be concluded before the entry of the debtor's discharge.

''(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)).''.

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

''(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157

relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

''(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

''(1) a United States attorney for each judicial district of the United States; and

''(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

''(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

''(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.''.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt;''.

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as redesignated—

(A) by striking ''Third'' and inserting ''Fourth''; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as redesignated, the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.''.

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

''(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

''(8) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first becomes payable after the date on which the petition is filed; and'';

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of

a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of a civil action or proceeding—

''(i) for the establishment of paternity;

''(ii) for the establishment or modification of an order for domestic support obligations;

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

''(v) regarding domestic violence;

''(B) the collection of a domestic support obligation from property that is not property of the estate;

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order;

''(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

''(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

''(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.);''.

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;'';

(B) in paragraph (15)—

(i) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

(ii) by inserting ''or'' after ''court of record,''; and

(iii) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon; and

(C) by striking paragraph (18); and

(2) in subsection (c), by striking ''(6), or (15)'' each place it appears and inserting ''or (6)''.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));'';

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''; and

(3) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;''.

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) CONFIRMATION OF PLAN UNDER CHAPTER 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

(b) CONFIRMATION OF PLAN UNDER CHAPTER 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(10) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c); and''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (a)(10), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides for assistance in collecting child support during and after the bankruptcy procedures;

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor;

''(III) the last recent known name and address of the debtor's employer; and

''(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (a)(7), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor;

''(III) the last recent known name and address of the debtor's employer; and

''(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (b)(6), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor;

''(III) the last recent known name and address of the debtor's employer; and

''(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d).''; and

(2) by adding at the end the following:

''(d)(1) In any case described in subsection (b)(6), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor;

''(III) the last recent known name and address of the debtor's employer; and

''(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

''(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

''(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

''(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;''.

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking ''a person, other than an attorney or an employee of an attorney'' and inserting ''the attorney for the debtor or an employee of such attorney under the direct supervision of such attorney'';

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

''(A) sign the document for filing; and

''(B) print on the document the name and address of that officer, principal, responsible person or partner.''; and

(B) by striking paragraph (2) and inserting the following:

''(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

''(B) The notice under subparagraph (A)—

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by—

''(aa) the debtor; and

''(bb) the bankruptcy petition preparer, under penalty of perjury; and

''(II) be filed with any document for filing.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer.''; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(6) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as redesignated—

(i) by striking ''Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as redesignated, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in

which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as redesignated, by striking ''or the United States trustee'' and inserting ''the United States trustee, the bankruptcy administrator, or the court, on the initiative of the court,'';

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, United States trustee, or bankruptcy administrator, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, the United States trustee, or the bankruptcy administrator.''; and

(11) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

''(3) The debtor, the trustee, a creditor, the United States trustee, or the bankruptcy administrator may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

''(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

''(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.''.

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and'';

(iii) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''; and

(iv) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) by striking ''(b) Notwithstanding'' and inserting ''(b)(1) Notwithstanding'';

(D) by striking ''paragraph (2)'' each place it appears and inserting ''paragraph (3)'';

(E) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)'';

(F) by striking ''Such property is—''; and

(G) by adding at the end the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (18) the following:

''(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) in the case of a loan from a thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;''; and

(4) by adding at the end of the flush material at the end of the subsection, the following: ''Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from the thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title.

Nothing in paragraph (18) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract

or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.''.

(e) ASSET LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

''(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of that Code or a simple retirement account under section 408(p) of that Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 (which amount shall be adjusted as provided in section 104 of this title) in a case filed by an individual debtor, except that such amount may be increased if the interests of justice so require.''.

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (10); and

(C) by inserting after paragraph (4) the following:

''(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;''; and

(2) by adding at the end the following:

''(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).''.

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

''(3) 'assisted person' means any person whose debts consist primarily of consumer debts and whose non-exempt assets are less than $150,000;'';

(2) by inserting after paragraph (4) the following:

''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;''; and

(3) by inserting after paragraph (12) the following:

''(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

''(A) any person that is an officer, director, employee or agent of that person;

''(B) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

''(C) a creditor of the person, to the extent that the creditor is assisting the person to restructure any debt owed by the person to the creditor;

''(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a depository institution or credit union; or

''(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections''.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 526. Restrictions on debt relief agencies

''(a) A debt relief agency shall not—

''(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

''(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

''(i) the services that such agency will provide to such person; or

''(ii) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

''(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

''(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

''(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and hearing, to have—

''(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

''(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

''(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

''(A) may bring an action to enjoin such violation;

''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

''(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

''(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

''(A) enjoin the violation of such section; or

''(B) impose an appropriate civil penalty against such person.''.

''(d) No provision of this section, section 527, or section 528 shall—

''(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

''(2) be deemed to limit or curtail the authority or ability—

''(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

''(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting before the item relating to section 527, the following:

''526. Debt relief enforcement.''.

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 527. Disclosures

''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

''(1) the written notice required under section 342(b)(1) of this title; and

''(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

''(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

''(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

''(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

''(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

'''IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

'''If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

'''The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

'''Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

'''If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

'''If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

'''If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

'''Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

''(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2)) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

''(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 526 the following:

''527. Disclosures.''.

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 528. Requirements for debt relief agencies

''(a) A debt relief agency shall—

''(1) not later than 5 business days after the first date such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

''(A) the services such agency will provide to such assisted person; and

''(B) the fees or charges for such services for such services, and the terms of payment;

''(2) provide the assisted person with a copy of the fully executed and completed contract;

''(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

''(4) clearly and conspicuously using the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

''(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

''(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

''(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

''(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

''(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

''(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code,' or a substantially similar statement.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527, the following:

''528. Debtor's bill of rights.''.

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by individual debtors under such title, the names and social security numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'',

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915'', and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

''(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

''(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

''(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors, if—

''(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

''(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

''(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

''(bb) provide adequate protection as ordered by the court; or

''(cc) perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

''(aa) if a case under chapter 7, with a discharge; or

''(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

''(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

''(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

''(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

''(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

''(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors if—

''(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

''(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.''.

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after the date of entry of such order by the court, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (19), as added by this Act, the following:

''(20) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

''(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case;''.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a) (as so designated by this Act)—

(A) in paragraph (4), by striking '', and'' at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) in an individual case under chapter 7 of this title, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

''(A) enters into an agreement with the creditor pursuant to section 524(c) of this title with respect to the claim secured by such property; or

''(B) redeems such property from the security interest pursuant to section 722 of this title.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) of this title is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee brought before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee.''; and

(2) in section 722, by inserting ''in full at the time of redemption'' before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking ''(e), and (f)'' inserting ''(e), (f), and (h)'';

(B) by redesignating subsection (h) as subsection (k); and

(C) by inserting after subsection (g) the following:

''(h)(1) In an individual case under chapter 7, 11, or 13, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2) of this title—

''(A) to file timely any statement of intention required under section 521(a)(2) of this title with respect to that property or to indicate in that statement that the debtor will either surrender the property or retain it and, if retaining it, either redeem the property pursuant to section 722 of this title, reaffirm the debt it secures pursuant to section 524(c) of this title, or assume the unexpired lease pursuant to section 365(p) of this title if the trustee does not do so, as applicable; and

''(B) to take timely the action specified in that statement of intention, as it may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

''(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the proceeding on the motion.''; and

(2) in section 521—

(A) in subsection (a)(2), as so designated by this Act, by striking ''consumer'';

(B) in subsection (a)(2)(B), as so designated by this Act—

(i) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first date set for the meeting of creditors under section 341(a) of this title''; and

(ii) by striking ''forty-five day'' and inserting ''30-day'';

(C) in subsection (a)(2)(C), as so designated by this Act, by inserting '', except as provided in section 362(h) of this title'' before the semicolon; and

(D) by adding at the end the following:

''(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h) of this title, with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549 of this title, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement which has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(i) the plan provides that—

''(I) the holder of such claim retain the lien securing such claim until the earlier of—

''(aa) the payment of the underlying debt determined under nonbankruptcy law; or

''(bb) discharge under section 1328; and

''(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and''.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 5-year period preceding the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3)(A) of title 11, United States Code, as so designated by this Act, is amended—

(1) by striking ''180 days'' and inserting ''730 days''; and

(2) by striking '', or for a longer portion of such 180-day period than in any other place'' and inserting ''or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place''.

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting ''subject to subsections (o) and (p),'' before ''any property''; and

(2) by adding at the end the following:

''(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 7-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.''.

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

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

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13—

''(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

''(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.''.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

''(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may,

at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

''(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

''(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

''(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.''.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''or'' at the end and inserting ''and''; and

(C) by adding at the end the following:

''(iii) if—

''(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

''(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or''.

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

''(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

''(A) proposed by the plan to the trustee;

''(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

''(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

''(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

''(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

''(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.''.

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

''(C)(i) for purposes of subparagraph (A)—

''(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

''(ii) for purposes of this subparagraph—

''(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

''(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

''(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.''.

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (21), as added by this Act, the following:

''(22) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

''(23) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law;

''(24) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs;

''(25) under subsection (a) of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;''.

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking ''six'' and inserting ''8''; and

(2) in section 1328, by inserting after subsection (e) the following:

''(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.''.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

''(i) clothing;

''(ii) furniture;

''(iii) appliances;

''(iv) 1 radio;

''(v) 1 television;

''(vi) 1 VCR;

''(vii) linens;

''(viii) china;

''(ix) crockery;

''(x) kitchenware;

''(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

''(xii) medical equipment and supplies;

''(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

''(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor.

''(B) The term 'household goods' does not include—

''(i) works of art (unless by or of the debtor or the dependents of the debtor);

''(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

''(iii) items acquired as antiques;

''(iv) jewelry (except wedding rings); and

''(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.''.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by this section, with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact that section 522(f)(4) of that title, as added by this section, has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to section 522(f)(4) of title 11, United States Code, consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);''.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(C) by adding at the end the following:

''(2) If, within the 90 days prior to the date of the filing of a petition in a voluntary case, the creditor supplied the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number. In the event the creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if the creditor supplied the debtor in the last 2 communications with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number.''; and

(2) by adding at the end the following:

''(e) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

''(f) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

''(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

''(2) No sanction under section 362(k) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a), as so designated by this Act, by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

''(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

''(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(2) by adding at the end the following:

''(e)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case, and the court shall make those documents available to the creditor who requests those documents.

''(2)(A) The debtor shall provide either a tax return or transcript at the election of the debtor, for the latest taxable period prior to filing for which a tax return has been or should have been filed, to the trustee, not later than 7 days before the date first set for the first meeting of creditors, or the case shall be dismissed, unless the debtor demonstrates that the failure to file a return as required is due to circumstances beyond the control of the debtor.

''(B) If a creditor has requested a tax return or transcript referred to in subparagraph (A), the debtor shall provide such tax return or transcript to the requesting creditor at the time the debtor provides the tax return or transcript to the trustee, or the case shall be dismissed, unless the debtor demonstrates that the debtor is unable to provide such information due to circumstances beyond the control of the debtor.

''(3)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

''(B) The court shall make such plan available to the creditor who request such plan—

''(i) at a reasonable cost; and

''(ii) not later than 5 days after such request.

''(f) An individual debtor in a case under chapter 7, 11, or 13 shall file with the court at the request of any party in interest—

''(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(g)(1) A statement referred to in subsection (f)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

''(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in subsection (e)(2)(A) and subsection (f) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (h).

''(h)(1) Not later than 180 days after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year and 180 days after the date of enactment of the Bankruptcy Reform Act of 2000, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation to—

''(i) further protect the confidentiality of tax information; and

''(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

''(i) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

''(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

''(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).''.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

''(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

''(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.'';

(2) in section 1325(b)(1)(B), by striking ''three-year period'' and inserting ''applicable commitment period''; and

(3) in section 1325(b), as amended by this Act, by adding at the end the following:

''(4) For purposes of this subsection, the 'applicable commitment period'—

''(A) subject to subparagraph (B), shall be—

''(i) 3 years; or

''(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

''(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

''(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4; and

''(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period.''; and

(4) in section 1329(c), by striking ''three years'' and inserting ''the applicable commitment period under section 1325(b)(1)(B)''.

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.''.

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''(a) In a case concerning an individual debtor, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.''.

''(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(15) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)''.

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor''; and

(2) by adding at the end the following:

''(5) In a case concerning an individual—

''(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payments under the plan; and

''(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

''(i) for each allowed unsecured claim, the value, as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

''(ii) modification of the plan under 1127 of this title is not practicable.''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

''(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

''(2) The plan, as modified, shall become the plan only after there has been disclosure under

section 1125, as the court may direct, notice and a hearing, and such modification is approved.''.

SEC. 322. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548 of this title, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 2-year period preceding the filing of the petition which exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.

''(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of the 2-year period) into the debtor's current principal residence, where the debtor's previous and current residences are located in the same State.''.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''522(d),'' and inserting ''522(d), 522(n), 522(p),''; and

(2) in paragraph (3), by striking ''522(d),'' and inserting ''522(d), 522(n), 522(p),''.

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

(a) IN GENERAL.—Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (6), as added by this Act, the following:

''(7) any amount—

''(A) withheld by an employer from the wages of employees for payment as contributions to—

''(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

''(ii) a health insurance plan regulated by State law whether or not subject to such title; or

''(B) received by the employer from employees for payment as contributions to—

''(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

''(ii) a health insurance plan regulated by State law whether or not subject to such title;''.

(b) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to cases commenced under title 11, United States Code, before the expiration of the 180-day period beginning on the date of enactment of this Act.

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (e)(2), and notwithstanding''; and

(2) by striking subsection (e) and inserting the following:

''(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

''(1) of all the property, wherever located, of the debtor as of the date of commencement of such case, and of property of the estate; and

''(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.''.

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2), by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4), by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

''(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.''.

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) In the case of an individual debtor under chapters 7 and 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of filing the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purpose, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.''.

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: ''other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of paragraph (b)(l);''; and

(B) in paragraph (2)(D), by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision'';

(2) in subsection (c)—

(A) in paragraph (2), by inserting ''or'' at the end;

(B) in paragraph (3), by striking ''; or'' at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking ''; except that'' and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or of a kind that section 365(b)(2) of this title expressly does not require to be cured'' before the semicolon at the end;

(2) in subparagraph (C), by striking ''and'' at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

''(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a non-residential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, as amended by this Act, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (25), as added by this Act, the following:

''(26) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;''.

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days upon motion of the trustee or lessor for cause.

''(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.''.

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking ''subsection'' the first place it appears and inserting ''subsections (b) and''.

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

''(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

''(j)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

''(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Reform Act of 2000, or any successor thereto.''.

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(A) In'' and inserting ''In''; and

(B) by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(2) by adding at the end the following:

''(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326 of this title.''.

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

''(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

''(B) made according to ordinary business terms;'';

(2) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.''.

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a nonconsumer debt against a noninsider of less than $10,000,'' after ''$5,000''.

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (2), on''; and

(2) by adding at the end the following:

''(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''such period'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,''.

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

''(14) 'disinterested person' means a person that—

''(A) is not a creditor, an equity security holder, or an insider;

''(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

''(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;''.

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, as amended by this Act, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and''.

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.''.

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

''(i) a cash deposit;

''(ii) a letter of credit;

''(iii) a certificate of deposit;

''(iv) a surety bond;

''(v) a prepayment of utility consumption; or

''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

''(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

''(i) the absence of security before the date of filing of the petition;

''(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

''(iii) the availability of an administrative expense priority.

''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.''.

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the'' and inserting ''The''; and

(2) by adding at the end the following:

''(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such debtor has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term ''filing fee'' means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

''(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

''(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.''.

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon ''and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information''; and

(2) by striking subsection (f), and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $3,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

''§ 308. Debtor reporting requirements

''(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(b) A small business debtor shall file periodic financial and other reports containing information including—

''(1) the debtor's profitability;

''(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(4)(A) whether the debtor is—

''(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(ii) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due;

''(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 1116. Duties of trustee or debtor in possession in small business cases

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns and other required government filings; and

''(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1116. Duties of trustee or debtor in possession in small business cases.''.

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

''(A) extended as provided by this subsection, after notice and hearing; or

''(B) the court, for cause, orders otherwise;

''(2) the plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted; and

''(C) the order extending time is signed before the existing deadline has expired.''.

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the plan shall be confirmed not later than 175 days after the date of the order for relief, unless such 175-day period is extended as provided in section 1121(e)(3).''.

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking '', may''; and

(2) by striking paragraph (1) and inserting the following:

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''.

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by this Act is amended—

(1) in subsection (k), as redesignated by this Act—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages.''; and

(2) by adding at the end the following:

''(l)(1) Except as provided in paragraph (2) of this subsection, the provisions of subsection (a) do not apply in a case in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has succeeded to substantially all of the assets or business of a small

business debtor described in subparagraph (A), (B), or (C).

''(2) This subsection does not apply—

''(A) to an involuntary case involving no collusion by the debtor with creditors; or

''(B) to the filing of a petition if—

''(i) the debtor proves by a preponderance of the evidence that the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

''(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

''(B) the grounds include an act or omission of the debtor—

''(i) for which there exists a reasonable justification for the act or omission; and

''(ii) that will be cured within a reasonable period of time fixed by the court.

''(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, the term 'cause' includes—

''(A) substantial or continuing loss to or diminution of the estate;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

''(D) unauthorized use of cash collateral harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) repeated failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure;

''(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee or the bankruptcy administrator;

''(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan;

''(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

''(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.''.

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting ''or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later'' after ''90-day period)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) the debtor has commenced monthly payments that—

''(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

''(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or''.

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);''.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ''notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence and inserting the following:

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562'' after ''557,''.

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of each district shall collect statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be on a standardized form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 2002, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

''(B) the current monthly income, average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number of cases in which the debtor was not represented by an attorney; and

''(III) of those cases in which a reaffirmation was filed, the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel or damages awarded under such Rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''§ 589b. Bankruptcy data

''(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

''(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

''(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

''(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

''(3) appropriate privacy concerns and safeguards.

''(d) FINAL REPORTS.—Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General, shall propose, include with respect to a case under such title—

''(1) information about the length of time the case was pending;

''(2) assets abandoned;

''(3) assets exempted;

''(4) receipts and disbursements of the estate;

''(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

''(6) claims asserted;

''(7) claims allowed; and

''(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

''(e) PERIODIC REPORTS.—Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General, in the discretion of the Attorney General, shall propose, include—

''(1) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(2) length of time the case has been pending;

''(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

''(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

''(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Reform Act of 2000; and''; and

(2) by adding at the end the following:

''(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Reform Act of 2000.

''(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.''.

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by this Act, is amended in each of paragraphs (3) and (4) by inserting ''or an auditor appointed under section 586(f) of title 28'' after ''serving in the case''.

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), by inserting ''(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)'' after ''507(a)(1)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

''(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

''(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

''(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

''(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement and, if so filed, shall be allowed as a single claim.''.

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting ''at the address and in the manner designated in paragraph (1)'' after ''determination of such tax'';

(2) by striking ''(1) upon payment'' and inserting ''(A) upon payment'';

(3) by striking ''(A) such governmental unit'' and inserting ''(i) such governmental unit'';

(4) by striking ''(B) such governmental unit'' and inserting ''(ii) such governmental unit'';

(5) by striking ''(2) upon payment'' and inserting ''(B) upon payment'';

(6) by striking ''(3) upon payment'' and inserting ''(C) upon payment'';

(7) by striking ''(b)'' and inserting ''(2)''; and

(8) by inserting before paragraph (2), as so designated, the following:

''(b)(1)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

''(i) designate an address for service of requests under this subsection; and

''(ii) describe where further information concerning additional requirements for filing such requests may be found.

''(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under that subparagraph, any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.''.

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 511. Rate of interest on tax claims

''(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

''(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

''511. Rate of interest on tax claims.''.

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting ''for a taxable year ending on or before the date of filing of the petition'' after ''gross receipts'';

(B) in clause (i), by striking ''for a taxable year ending on or before the date of filing of the petition''; and

(C) by striking clause (ii) and inserting the following:

''(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

''(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

''(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days.''; and

(2) by adding at the end the following:

''An otherwise applicable time period specified in this paragraph shall be suspended for (i) any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus (ii) any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.''.

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking ''assessed'' and inserting ''incurred''.

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314 of this Act, is amended by striking ''paragraph'' and inserting ''section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),''.

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt described in section 523(a)(2) or for a tax or customs duty with respect to which the debtor—

''(A) made a fraudulent return; or

''(B) willfully attempted in any manner to evade or defeat that tax or duty.''.

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking ''the debtor'' and inserting ''a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning an individual debtor's tax liability for a taxable period ending before the order for relief under this title''.

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''deferred cash payments,'' and all that follows through the end of the subparagraph, and inserting ''regular installment payments in cash—

''(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

''(ii) over a period ending not later than 5 years after the date of the entry of the order for relief under section 301, 302, or 303; and

''(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for in the plan (other than cash payments made to a class of creditors under section 1122(b)); and''; and

(3) by adding at the end the following:

''(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).''.

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: '', except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law''.

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Any''; and

(2) by adding at the end the following:

''(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

''(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or

''(2) payment of the tax is excused under a specific provision of title 11.

''(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

''(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

''(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.''.

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting ''whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both,'' before ''except''.

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;''.

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting ''or State statute'' after ''agreement''; and

(2) in subsection (c), by inserting '', including the payment of all ad valorem property taxes with respect to the property'' before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking ''before the date on which the trustee commences distribution under this section;'' and inserting the following: ''on or before the earlier of—

''(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

''(B) the date on which the trustee commences final distribution under this section;''.

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by this Act, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting ''or equivalent report or notice,'' after ''a return,'';

(B) in clause (i), by inserting ''or given'' after ''filed''; and

(C) in clause (ii)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by inserting '', report, or notice'' after ''return''; and

(2) by adding at the end the following:

''For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.''.

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by this Act, is amended by inserting ''the estate,'' after ''misrepresentation,''.

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.''.

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

''§ 1308. Filing of prepetition tax returns

''(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

''(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

''(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

''(B) for any return that is not past due as of the date of the filing of the petition, the later of—

''(i) the date that is 120 days after the date of that meeting; or

''(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

''(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

''(A) a period of not more than 30 days for returns described in paragraph (1); and

''(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

''(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

''1308. Filing of prepetition tax returns.''.

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.''.

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following '', and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required''.

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting ''including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case,'' after ''records''; and

(2) by striking ''a hypothetical reasonable investor typical of holders of claims or interests'' and inserting ''such a hypothetical investor''.

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (26), as added by this Act, the following:

''(27) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, upon motion of the trustee and after notice and hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of that authority in the setoff under section 506(a);''.

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 346 of title 11, United States Code, is amended to read as follows:

''§ 346. Special provisions related to the treatment of state and local taxes

''(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

''(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make said returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

''(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

''(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

''(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

''(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

''(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

''(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

''(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

''(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

''(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the order for relief under this title to the extent that—

''(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

''(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

''(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

''(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

''(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

''(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 728 of title 11, United States Code, is repealed.

(2) Section 1146 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(3) Section 1231 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(k)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

''(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.''.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.

''1501. Purpose and scope of application.

''SUBCHAPTER I—GENERAL PROVISIONS

''1502. Definitions.

''1503. International obligations of the United States.

''1504. Commencement of ancillary case.

''1505. Authorization to act in a foreign country.

''1506. Public policy exception.

''1507. Additional assistance.

''1508. Interpretation.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''1509. Right of direct access.

''1510. Limited jurisdiction.

''1511. Commencement of case under section 301 or 303.

''1512. Participation of a foreign representative in a case under this title.

''1513. Access of foreign creditors to a case under this title.

''1514. Notification to foreign creditors concerning a case under this title.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''1515. Application for recognition.

''1516. Presumptions concerning recognition.

''1517. Order granting recognition.

''1518. Subsequent information.

''1519. Relief that may be granted upon filing petition for recognition.

''1520. Effects of recognition of a foreign main proceeding.

''1521. Relief that may be granted upon recognition.

''1522. Protection of creditors and other interested persons.

''1523. Actions to avoid acts detrimental to creditors.

''1524. Intervention by a foreign representative.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.

''1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.

''1527. Forms of cooperation.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''1528. Commencement of a case under this title after recognition of a foreign main proceeding.

''1529. Coordination of a case under this title and a foreign proceeding.

''1530. Coordination of more than 1 foreign proceeding.

''1531. Presumption of insolvency based on recognition of a foreign main proceeding.

''1532. Rule of payment in concurrent proceedings.

''§ 1501. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) United States courts, United States trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies where—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 1502. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

''(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

''(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 1503. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

''§ 1504. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

''§ 1505. Authorization to act in a foreign country

''A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 1506. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 1507. Additional assistance

''(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

''§ 1508. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''§ 1509. Right of direct access

''(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

''(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

''(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

''(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

''(3) a court in the United States shall grant comity or cooperation to the foreign representative.

''(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

''(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

''(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

''(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

''§ 1510. Limited jurisdiction

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

''§ 1511. Commencement of case under section 301 or 303

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

''§ 1512. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

''§ 1513. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726 of this title, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

''§ 1514. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for their filing;

''(2) indicate whether secured creditors need to file their proofs of claim; and

''(3) contain any other information required to be included in such a notification to creditors under this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''§ 1515. Application for recognition

''(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

''§ 1516. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding (as defined in section 101) and that the person or body is a foreign representative (as defined in section 101), the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

''§ 1517. Order granting recognition

''(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

''(1) the foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

''(3) the petition meets the requirements of section 1515.

''(b) The foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. The case under this chapter may be closed in the manner prescribed under section 350.

''§ 1518. Subsequent information

''From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

''§ 1519. Relief that may be granted upon filing petition for recognition

''(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

''§ 1520. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) sections 361 and 362 apply with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

''(2) sections 363, 549, and 552 of this title apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

''(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

''(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

''(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

''§ 1521. Relief that may be granted upon recognition

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

''§ 1522. Protection of creditors and other interested persons

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3) of this title, to conditions it considers appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

''§ 1523. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

''(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

''§ 1524. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

''§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

''§ 1527. Forms of cooperation

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

''§ 1529. Coordination of a case under this title and a foreign proceeding

''If a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

''(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

''(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

''(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

''§ 1530. Coordination of more than 1 foreign proceeding

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

''§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

''§ 1532. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''15. Ancillary and Other Cross-Border Cases ..... 1501''.

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 362(l), 555 through 557, and 559 through 562 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(j) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

''(2) section 1509 applies whether or not a case under this title is pending.''.

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding,

under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking ''or 13'' and inserting ''13, or 15,''.

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

''§ 1410. Venue of cases ancillary to foreign proceedings

''A case under chapter 15 of title 11 may be commenced in the district court for the district—

''(1) in which the debtor has its principal place of business or principal assets in the United States;

''(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

''(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.''.

(d) OTHER SECTIONS OF TITLE 11.—

(1) Section 109(b)(3) of title 11, United States Code, is amended to read as follows:

''(3)(A) a foreign insurance company, engaged in such business in the United States; or

''(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101) in the United States.''.

(2) Section 303(k) of title 11, United States Code, is repealed.

(3)(A) Section 304 of title 11, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 3 of title 11, United States Code, is amended by striking the item relating to section 304.

(C) Section 306 of title 11, United States Code, is amended by striking '', 304,'' each place it appears.

(4) Section 305(a)(2) of title 11, United States Code, is amended to read as follows:

''(2)(A) a petition under section 1515 of this title for recognition of a foreign proceeding has been granted; and

''(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.''.

(5) Section 508 of title 11, United States Code, is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking ''(b)''.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting '', resolution, or order'' after ''any similar agreement that the Corporation determines by regulation''.

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.''.

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.''.

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).''.

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(f) DEFINITION OF SWAP AGREEMENT.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction similar to any other agreement or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.''.

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.''.

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''paragraph (10)'' and inserting ''paragraphs (9) and (10)'';

(B) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(C) by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''; and

(2) in subparagraph (E), by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''.

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Corporation''.

SEC. 902. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking ''other than paragraph (12) of this subsection, subsection (d)(9)'' and inserting ''other than subsections (d)(9) and (e)(10)''; and

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

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

''(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

''(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

''(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect

to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contract and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITION.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution.''.

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.''.

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or sections 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

''(I) immediately upon the organization of the institution; or

''(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.''.

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the depository institution in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''.

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon '', or is exempt from such registration by order of the Securities and Exchange Commission''; and

(B) in subparagraph (B), by inserting before the period ''or that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act'';

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by inserting before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11,

United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 408; and

(2) by inserting after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.''.

SEC. 907. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract on the date of the filing of the petition;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(D) in paragraph (48), by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is an interest rate swap, option, future, or forward agreement, including—

''(I) a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or an equity swap, option, future, or forward agreement;

''(V) a debt index or a debt swap, option, future, or forward agreement;

''(VI) a credit spread or a credit swap, option, future, or forward agreement;

''(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

''(VIII) a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

''(I) is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

''(iii) any combination of agreements or transactions referred to in this subparagraph;

''(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not

a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), but do not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) in section 741(7), by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) any combination of the agreements or transactions referred to in this subparagraph;

''(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) any security agreement or arrangement or other credit enhancement, related to any agreement or transaction referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan.''; and

(3) in section 761(4)—

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

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

''(B) in connection with a securities contract, as defined in section 741, an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means an entity that, at the time it enters into a securities contract, commodity contract, or forward contract, or at the time of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761 or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing; and

''(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

''(38B) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by this Act, is amended—

(A) in paragraph (6), by inserting '', pledged to, and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, and under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to margin, guarantee, secure, or settle any swap agreement;''; and

(D) by inserting after paragraph (27), as added by this Act, the following new paragraph:

''(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; or''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (28) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by adding at the end the following:

''(k) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of one or more swap agreements''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of one or more swap agreements''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b) EXCEPTION.—

''(1) IN GENERAL.—A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) COMMODITY BROKERS.—If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under that subchapter IV; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(3) CONSTRUCTION.—No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

''(A) a cross-margining agreement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under section 5(a)(12)(A) of the Commodity Exchange Act and has been approved; or

''(B) any other netting agreement between a clearing organization, as defined in section 761, and another entity that has been approved by the Commodity Futures Trading Commission.

''(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

''(d) CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15 of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting before the period the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(28), 555, 556, 559, 560, or 561 of this title)''; and

(2) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 362(b)(28), 555, 556, 559, 560, 561''.

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and

inserting ''financial institution, financial participant,'';

(2) in section 546(e), by inserting ''financial participant,'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant,'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant,'' after ''financial institution,''; and

(B) by inserting before the period at the end '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant,'' after ''commodity broker''.

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 908. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.''.

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

''(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

''(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

''(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

''(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

''(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.''.

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

''§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

''If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by this Act) the following:

''562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.''.

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FROM STAY.—

''(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101 and 741 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

''(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

''(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

SEC. 912. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting after paragraph (7), as added by this Act, the following:

''(8) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a);''; and

(2) by adding at the end the following new subsection:

''(f) For purposes of this section—

''(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including, without limitation, all securities issued by governmental units, at least one class or tranche of which was rated investment grade by one or more nationally recognized securities rating organizations, when the securities were initially issued by an issuer;

''(2) the term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not the same are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units, including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities, including without limitation, all securities issued by governmental units;

''(3) the term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

''(4) the term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

''(5) the term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(8) (whether or not reference is made to this title or any section hereof), irrespective and without limitation of—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

SEC. 913. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

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

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on July 1, 2000.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

''(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.''.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim;''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by this Act, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27A), as added by this Act, as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric, or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) home health agency; and

''(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domiciliary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any person who obtains or receives services from a health care business;

''(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the last known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

''(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

''(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business;

''(9) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or related to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6); and''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

''§ 332. Appointment of ombudsman

''(a) IN GENERAL.—

''(1) AUTHORITY TO APPOINT.—Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall order the appointment of an ombudsman to monitor the quality of patient care to represent the interests of the patients of the health care business, unless the court finds that the appointment of the ombudsman is not necessary for the protection of patients under the specific facts of the case.

''(2) QUALIFICATIONS.—If the court orders the appointment of an ombudsman, the United States trustee shall appoint 1 disinterested person, other than the United States trustee, to serve as an ombudsman, including a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq., 3058 et seq.).

''(b) DUTIES.—An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care, to the extent necessary under the circumstances, including interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

''(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

''(c) CONFIDENTIALITY.—An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. The ombudsman may not review confidential patient records, unless the court provides prior approval, with restrictions on the ombudsman to protect the confidentiality of patient records.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

''332. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting ''an ombudsman appointed under section 331, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking ''sections 704(2), 704(5), 704(7), 704(8), and 704(9)'' and inserting ''paragraphs (2), (5), (7), (8), (9), and (11) of section 704(a)''.

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (28), as added by this Act, the following:

''(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).''.

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title the following definitions shall apply:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A) and (38), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property.''; and

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, as amended by section 322 of this Act, is amended by inserting ''522(f)(3),'' after ''522(d),'' each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; and

(2) in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so designated by this Act, is amended by striking ''attorney's'' and inserting ''attorneys'''.

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by this Act, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14);

(2) in subsection (a)(9), by striking ''motor vehicle'' and inserting ''motor vehicle, vessel, or aircraft''; and

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'' each place it appears;

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by this Act, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1219. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 1220. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 1221. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before ''bankruptcy''; and

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

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before ''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 1222. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended

by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1223. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''30''.

SEC. 1224. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 1225. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 2000''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Two additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to temporary judgeship positions referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the United States court of appeals for the circuit in which such district is located.''; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking ''2'' and inserting ''3''; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking ''Middle and Southern . . . . . 1''.

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

SEC. 1226. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'';

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

''(A) by prorating such amount over the remaining duration of the plan; and

''(B) by monthly payments not to exceed the greater of—

''(i) $25; or

''(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan.''; and

(2) by adding at the end the following:

''(d) Notwithstanding any other provision of this title—

''(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior proceeding under this title; and

''(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).''.

SEC. 1227. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

''(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition;''.

SEC. 1228. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test and reaffirmations under section 707(b) of title 11, United States Code, as amended by this Act.

SEC. 1229. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

''(c)(1) Except as provided in subsection (d) of this section and subsection (c) of section 507, and subject to the prior rights of holders of security interests in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, not later than 45 days after the date of the commencement of a case under this title, but

such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

''(A) not later than 45 days after the date of receipt of such goods by the debtor; or

''(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

''(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(7).''.

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(10) the value of any goods received by the debtor not later than 20 days after the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.''.

SEC. 1230. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual seeking bankruptcy under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a bankruptcy case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1231. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board'') shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1232. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (8), as added by this Act, the following:

''(9) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

''(A) the tangible personal property is in the possession of the pledgee or transferee;

''(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

''(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b) of this title; or''.

SEC. 1233. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the United States district court for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.''.

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

''(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the United States district court in the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

''(4) The Attorney General shall prescribe procedures to implement this subsection.''.

SEC. 1234. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following: ''The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.''.

SEC. 1235. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) IN GENERAL.—Section 158 of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d)(1) In a case in which the appeal is heard by the district court, the judgment, decision, order, or decree of the bankruptcy judge shall be deemed a judgment, decision, order, or decree of the district court entered 31 days after such appeal is filed with the district court, unless not later than 30 days after such appeal is filed with the district court—

''(A) the district court—

''(i) files a decision on the appeal from the judgment, decision, order, or decree of the bankruptcy judge; or

''(ii) enters an order extending such 30-day period for cause upon motion of a party or upon the court's own motion; or

''(B) all parties to the appeal file written consent that the district court may retain such appeal until it enters a decision.

''(2) For the purpose of this subsection, an appeal shall be considered filed with the district court on the date on which the notice of appeal is filed, except that in a case in which the appeal is heard by the district court because a party has made an election under subsection (c)(1)(B), the appeal shall be considered filed with the district court on the date on which such election is made.

''(e) The courts of appeals shall have jurisdiction of appeals from—

''(1) all final judgments, decisions, orders, and decrees of district courts entered under subsection (a);

''(2) all final judgments, decisions, orders, and decrees of bankruptcy appellate panels entered under subsection (b); and

''(3) all judgments, decisions, orders, and decrees of district courts entered under subsection (d) to the extent that such judgments, decisions, orders, and decrees would be reviewable by a district court under subsection (a).

''(f) In accordance with rules prescribed by the Supreme Court of the United States under sections 2072 through 2077, the court of appeals may, in its discretion, exercise jurisdiction over an appeal from an interlocutory judgment, decision, order, or decree under subsection (e)(3).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(c) of title 11, United States Code, is amended by striking ''section 158(d)'' and inserting ''subsection (e) or (f) of section 158''.

(2) Section 1334(d) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''subsection (e) or (f) of section 158''.

(3) Section 1452(b) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''subsection (e) or (f) of section 158''.

SEC. 1236. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, is amended by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the

typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: _____.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

''(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

''(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

''(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

''(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Reform Act of 2000, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

''(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the program described in subclause (I).

''(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

''(H) The Board shall—

''(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

''(ii) establish the table required under clause (i) by assuming—

''(I) a significant number of different annual percentage rates;

''(II) a significant number of different account balances;

''(III) a significant number of different minimum payment amounts; and

''(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

''(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

''(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

''(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

''(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: _____.' (the blank space to be filled in by the creditor).''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ''Board'') shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISER.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

(B) by striking the period at the end and inserting the following: ''; and

''(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market

value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO ''INTRODUCTORY RATES''.

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

''(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

''(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

''(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

''(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

''(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

''(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

''(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

''(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(D) DEFINITIONS.—In this paragraph—

''(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

''(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

''(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

''(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

''(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the information described in paragraph (6).

''(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

''(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

''(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

''(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

''(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

''(B) The amount of the late payment fee to be imposed if payment is made after such date.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term ''clear and conspicuous'', as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

SEC. 1310. ENFORCEMENT OF CERTAIN FOREIGN JUDGMENTS BARRED.

(a) IN GENERAL.—Notwithstanding any other provision of law or contract, a court within the United States shall not recognize or enforce any judgment rendered in a foreign court if, by clear and convincing evidence, the court in which recognition or enforcement of the judgment is sought determines that the judgment gives effect to any purported right or interest derived, directly or indirectly, from any fraudulent misrepresentation or fraudulent omission that occurred in the United States during the period beginning on January 1, 1975, and ending on December 31, 1993.

(b) EXCEPTION.—Subsection (a) shall not prevent recognition or enforcement of a judgment rendered in a foreign court if the foreign tribunal rendering judgment giving effect to the right or interest concerned determines that no fraudulent misrepresentation or fraudulent omission described in subsection (a) occurred.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—Except as otherwise provided in this Act, the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

HENRY HYDE,
GEORGE W. GEKAS,
DICK ARMEY,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
ROD GRAMS,
JOE BIDEN,
Managers on the Part of the Senate.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, October 12, 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:

10535. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Randall L. Rigby, United States Army; to the Committee on Armed Services.

10536. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Disposition of HUD-Acquired Single Family Property; Officer Next Door Sales Program [Docket No. FR–4277–F–03] (RIN: 2502–AH37) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10537. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance; Electronic Underwriting [Docket No. FR–4311–F–02] (RIN: 2502–AH15) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10538. A letter from the Secretary of Health and Human Services, transmitting The Community Services Block Grant Statistical Report FY 1997 Executive Summary; to the Committee on Education and the Workforce.

10539. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Phaffia Yeast; Confirmation of Effective Date [Docket No. 97C–0466] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10540. A letter from the Director, Regulations and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal; Confirmation of Effective Date [Docket No. 98C–0212] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10541. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Confirmation of Effective Date [Docket No. 97C–0415] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10542. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6879–3] received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10543. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cooperative Agreement: Seven Principals of Environmental Stewardship for U.S./Mexico Business and Trade Community—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10544. A letter from the Assistant Secretary for Export Administration, Department of Congress, transmitting the Department's final rule—Revisions to License Exception CTP [Docket No. 000204027–0266–02] (RIN: 0694–AC14) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10545. A letter from the Executive Director, Committee for Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10546. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Fiscal Service (RIN: 1510–AA38) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10547. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 000211–39–0039–01; I.D. 092900A] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10548. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fishery on the Eastern Pacific Ocean [Docket No. 000908255–0255–01; I.D. 0800C] (RIN: 0648–AN73) received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10549. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Rules of Practice for Hearings [Docket No. R–1083] received October 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10550. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Prohibition of Ex Parte Communications Between Appeals Officers and Other Internal Revenue Service Employees [Rev. Proc. 2000–43] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10551. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, ''Overcoming the Past, Focusing on the Future: An Assessment of the U.S. Equal Employment Opportunity Commission's Enforcement Efforts''; jointly to the Committees on the Judiciary and Education and the Workforce.

10552. A letter from the Chairperson, Commission On Civil Rights, transmitting a report entitled, ''Equal Educational Opportunity and Nondiscrimination for Girls in Advanced Mathematics, Science, and Technology Education: Federal Enforcement of Title IX July 2000''; jointly to the Committees on the Judiciary and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1441. A bill to amend section 8(a) of the National Labor Relations Act (Rept. 106–967). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2434. A bill to require labor organizations to secure prior, voluntary, written authorization as a condition of using any portion of dues or fees for activities not necessary to performing duties relating to the representation of employees in dealing with the employer of labor-management issues, and for other purposes (Rept. 106–968). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee of Conference. Conference report on H.R. 4392. A bill 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 (Rept. 106–969). Ordered to be printed.

Mr. HYDE: Committee of Conference. Conference report on H.R. 2415. A bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes (Rept. 106–970). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 624. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes (Rept. 106–971). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 625. Resolution providing for consideration of the resolution (H. Res. 596) 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 (Rept. 106–972). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 626. Resolution waiving points of order against the conference report to accompany 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 (Rept. 106–973). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 627. Providing for consideration of the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–974). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 628. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4386) 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, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes (Rept. 106–975). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. S. 11. An act for the relief of Wei Jingsheng (Rept. 106–955). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 150. An act for the relief of Marina Khalina and her son, Albert Mifakhov (Rept. 106–956). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 199. an act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko (Rept. 106–957). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 276. An act for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano (Rept. 106–958). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 785. An act for the relief of Frances Schochenmaier (Rept. 106–959). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 869. An act for the relief of Mina Vahedi Notash (Rept. 106–960). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey (Rept. 106–961). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas (Rept. 106–962). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2000. An act for the relief of Guy Taylor (Rept. 106–963). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2002. An act for the relief of Tony Lara (Rept. 106–964). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2019. An act for the relief of Malia Miller (Rept. 106–965). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales (Rept. 106–966). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. MASCARA, and Mr. GUTIERREZ):

H.R. 5438. A bill to amend title 38, United States Code, to add Diabetes Mellitus (Type 2) to the list of diseases presumed to be service-connected for veterans exposed to certain herbicide agents; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO:

H.R. 5439. A bill to end taxpayer support of Federal Government contractors against whom repeated civil judgements or criminal convictions for certain offenses have been entered; to the Committee on Government Reform.

By Mr. ARMEY:

H.R. 5440. A bill to require large employers to notify their employees of the amount paid by the employer for employee health coverage; to the Committee on Education and the Workforce.

By Mr. CHAMBLISS:

H.R. 5441. A bill to transfer management of the Banks Lake Unit of the Okefenokee National Wildlife Refuge; to the Committee on Resources.

By Mr. HEFLEY (for himself and Mr. MCINNIS):

H.R. 5442. A bill to provide for a pilot program to enhance military recruiting through the use of recently retired enlisted personnel as recruiters; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, and Ms. STABENOW):

H.R. 5443. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the congressional medal of honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. SAM JOHNSON of Texas:

H.R. 5444. A bill to amend the Internal Revenue Code of 1986 to provide for capital gains treatment for certain termination payments received by former insurance salesmen; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. DEFAZIO, and Mr. COSTELLO):

H.R. 5445. A bill to amend title 49, United States Code, to increase the amount of civil penalties and criminal fines for violations of requirements prohibiting the transportation of chemical oxygen generators on passenger-carrying aircraft in air commerce; to the Committee on Transportation and Infrastructure.

By Mr. OLVER (for himself, Mr. MEEHAN, Mr. TIERNEY, Mr. MCGOVERN, Mr. BASS, and Mr. MARKEY):

H.R. 5446. A bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, and for other purposes; to the Committee on Resources.

By Mr. SHAW (for himself and Mr. CARDIN):

H.R. 5447. A bill to amend the Social Security Act to prepare the Social Security Administration for the needs of the 21st century, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. SMITH of Texas:

H.R. 5448. A bill to amend the Immigration and Nationality Act to give priority for certain family-sponsored immigrants based upon educational attainment and to require diversity immigrants to have a bachelor's degree; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 5449. A bill to amend title XVIII of the Social Security Act to combat fraud and abuse under the Medicare Program with respect to partial hospitalization services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 5450. A bill to amend section 13031 of the Consolidated Ominubus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 111. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. CASTLE (for himself, Mr. WELDON of Pennsylvania, and Mr. WISE):

H.J. Res. 112. A joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for the Million Family March; to the Committee on Transportation and Infrastructure.

By Mr. LAZIO:

H. Con. Res. 424. Concurrent resolution providing for corrections in the enrollment of the bill H.R. 4461; to the Committee on International Relations, and in addition to the Committee on House Administration, 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. TOWNS:

H. Res. 622. A resolution expressing the sense of the House of Representatives that the Government of Argentina should provide an immediate and final resolution to the Buenos Aires Yoga School case; to the Committee on International Relations.

By Mr. FRANKS of New Jersey (for himself, Mr. OSE, Mr. WEINER, Mr. SAXTON, Mr. BRADY of Texas, Mr. SWEENEY, Mr. SALMON, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mrs. ROUKEMA, and Mr. LOBIONDO):

H. Res. 623. A resolution regarding the adoption of Resolution 1322 by the Security Council of the United Nations on October 7, 2000; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 5451. A bill for the relief of Marleen R. Delay; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5452. A bill for the relief of Andrea Patricia Burton; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5453. A bill for the relief of Laurence Wallace; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5454. A bill for the relief of Louise Ingrid Wallace; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 488: Mr. COYNE.
H.R. 792: Mrs. BIGGERT.
H.R. 797: Mr. ROHRABACHER.
H.R. 827: Mr. ORTIZ.
H.R. 908: Mr. BLUMENAUER and Ms. NORTON.
H.R. 1144: Mr. STRICKLAND.
H.R. 1337: Mr. SHERWOOD.
H.R. 1494: Ms. PRYCE of Ohio.
H.R. 1515: Mr. INSLEE.
H.R. 2166: Ms. BROWN of Florida, Mr. PAYNE, Mr. LUTHER, and Mr. INSLEE.
H.R. 2335: Mr. COBLE, Mr. SPRATT, and Mr. INSLEE.
H.R. 2382: Ms. HOOLEY of Oregon.
H.R. 2594: Mr. MCGOVERN.
H.R. 2790: Ms. DANNER.
H.R. 3263: Mr. BARR of Georgia.
H.R. 3453: Mr. SHAYS.
H.R. 3514: Mr. COYNE.
H.R. 3901: Mr. EWING.
H.R. 3996: Mr. MINGE.
H.R. 4274: Mr. LIPINSKI, Mr. HALL of Ohio, Mr. SANDLIN, and Mrs. JONES of Ohio.
H.R. 4289: Mr. KENNEDY of Rhode Island and Mr. DAVIS of Florida.
H.R. 4497: Mr. MINGE.
H.R. 4594: Mr. DEAL of Georgia.
H.R. 4669: Mr. NORWOOD.
H.R. 4715: Mr. BECERRA.
H.R. 4728: Mr. LAFALCE, Mr. BALDACCI, Mrs. MALONEY of New York, Mr. MOORE, Mr. HUTCHINSON, Mr. HINCHEY, and Ms. GRANGER.
H.R. 4740: Mr. CRAMER, Mrs. TAUSCHER, and Mr. FORD.
H.R. 4751: Mr. GOODLATTE, Mr. KENNEDY of Rhode Island, Mr. NEY, Mr. WEYGAND, and Mr. NADLER.
H.R. 4825: Mr. MINGE, Mr. MOAKLEY, Mr. ROTHMAN, Mr. COYNE, and Mr. NORWOOD.
H.R. 4857: Ms. DEGETTE.
H.R. 4894: Mr. CASTLE.
H.R. 4926: Mr. MCGOVERN and Ms. MCKINNEY.
H.R. 5037: Mr. PAUL.
H.R. 5038: Mr. PAUL.
H.R. 5091: Mr. PAYNE and Mr. BAIRD.
H.R. 5101: Mr. EVANS and Mr. KUCINICH.
H.R. 5147: Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. DELAHUNT, and Mr. COOK.
H.R. 5179: Ms. WOOLSEY.
H.R. 5208: Mr. EVANS, Ms. CARSON, Mr. PAYNE, and Mr. NADLER.
H.R. 5220: Mr. DEAL of Georgia and Mr. WICKER.
H.R. 5265: Mr. HALL of Texas.
H.R. 5277: Mr. UDALL of Colorado, Mr. HINCHEY, Mr. LAMPSON, and Mr. REYES.
H.R. 5306: Mr. SMITH of Texas, Mr. BRADY of Texas, and Mr. MANZULLO.
H.R. 5311: Mr. RANGEL, Mr. GORDON, and Mr. CONYERS.
H.R. 5324: Mr. UNDERWOOD and Mr. NADLER.
H.R. 5361: Mr. HOLT, Mr. DEFAZIO, and MCDERMOTT.
H.R. 5397: Mr. BACA and Mr. BALDACCI.

H.R. 5401: Mr. TANNER.

H.R. 5417: Mr. WELDON of Florida, Mr. HILL of Montana, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 337: Mr. DOYLE.

H. Con. Res. 363: Mr. CUMMINGS and Mrs. MORELLA.

H. Con. Res. 416: Mr. GEKAS, Mr. STARK, Ms. DANNER, Ms. ROS-LEHTINEN, Mr. MENENDEZ, and Mr. KING.

H. Con. Res. 419: Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. EVERETT, Mr. HALL of Texas, and Ms. KAPTUR.

H. Res. 537: Mr. COYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. THOMPSON of California.

H.R. 4035: Mr. EVANS.

EXTENSIONS OF REMARKS

HONORING JIM ROBB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to Jim Robb as he steps down as United States Magistrate for Western Colorado. Jim is a personal friend of mine whom I served with in the Colorado State House of Representatives. Jim has been the embodiment of service, success and sacrifice during his time as Magistrate and he clearly deserves the praise and recognition of this body.

Selected as a Magistrate in 1990, Jim was one of six United States Magistrates for the State of Colorado. The only magistrate outside the City of Denver, his duties included hearing preliminary and detention cases and holding misdemeanor hearings for crimes on federal lands. He was also responsible for hearing pretrial conferences for civil cases that involved the Southern Ute Indian Tribe.

During his time as Magistrate, Jim had the reputation of a fair and approachable judge. He would always take time to hear both sides of the story and had the ability to approach each case with an open mind. Perhaps his fairness is the product of his life as a ''true Renaissance man''. Jim embarked on a 12,000 mile road trip around the United States before he was to attend college. During this trip, he fell in love with the wonderful State of Colorado where he would eventually earn his bachelor's degree and law degree. Some of his other accomplishments include working for the FBI as a special agent, working as an administrative assistant for a United States Senator in Washington DC serving two terms in the Colorado State Legislature, and serving on the Colorado State Parks Board for 10 years.

Jim's future plans include spending time with his family and continuing to practice law in the private sector.

It is with this, Mr. Speaker, that I congratulate Jim for his career as a United States Magistrate and thank him for his dedication and commitment to public service. It is a real pleasure to honor people of Jim's character and integrity. His formidable efforts deserve the praise and admiration of us all.

Good Luck, your honor.

HONORING LUTHER POSEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, it makes me very proud to honor a remarkable human being, Luther Posey. Through hard work and determination, Luther recently helped the Glenwood Springs Police Department earn the Silver Buckle Award. This award is presented by the Colorado Department of Transportation for a department's ''outstanding contribution to the safety belt program''. Luther's contribution has been credited with being a fundamental part of the department receiving this high award.

For the past few years, Luther has been the primary individual in charge of gathering safety belt data in the Glenwood Springs area. His data is compiled every few months and then is used to enforce compliance with the state safety belt law. In a recent article by Heather McGregor in the Glenwood Independent, the following was said: ''Police Chief Terry Wilson made it clear that without Posey's help the award wouldn't have been possible: 'he does the sitting and counting of people using or not using belts.' ''

Luther has worked very hard to collect data that has helped ensure that the seat belt laws are enforced and has in turn made the community of Glenwood Springs a safer place for all. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to thank Luther for his efforts that helped the Glenwood Springs Police Department earn this prestigious award.

Luther, it makes me proud to know that individuals such as yourself are taking it upon themselves to ensure that our communities are safe and secure. Congratulations and thank you for your service!

HONORING MARY ANN ANDERSEN LEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a very remarkable person, Mary Ann Andersen Lee. Mary Ann has been a part of the nursing community for over four decades and recently retired from San Luis Valley Regional Medical Center. Mary Ann's leadership and expertise in nursing have benefited the San Luis Valley in immeasurable ways. Her retirement will not last long, as she has already planned to move on and donate her superb nursing abilities to the American Red Cross Disaster Relief.

Mary Ann began her illustrious nursing career with a group of friends that answered a want-ad in the American Journal of Nursing. After graduating from Bryan Memorial School of Nursing in Lincoln, Nebraska, they headed west to take a job in western Colorado. The rest, as they say, is history.

The moment she joined the medical center, then called Alamosa Community Hospital, she demonstrated her outstanding leadership by becoming the supervisor of the emergency room. She led in this capacity for nearly fifteen years. She then moved on to become the director of nursing where she served for just over two decades. Her leadership has benefited not only the medical center, but the entire community as well.

Mary Ann has led by example and become a role model of what it takes to succeed in the medical field. Throughout her tenure at San Luis Valley Regional Medical Center, she has helped literally thousands of citizens. Mr. Speaker, Mary Ann has earned respect and admiration of this body. On behalf of the State of Colorado and the U.S. Congress I thank her for her incredible service to the San Luis Valley and wish her the best in her future endeavors.

Good Luck!

IN SUPPORT OF H.R. 3621—A BILL TO PROMOTE WILLIAM CLARK TO THE GRADE OF CAPTAIN

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HILL of Indiana. Mr. Speaker, I rise today as a cosponsor of H.R. 3621 to urge its passage.

Granting William Clark the grade of captain is well-deserved and long overdue. Clark acted as a co-commander with Meriwether Lewis during their expedition and Lewis felt Clark deserved a rank equal to his. So with this bill, today, we can both recognize Clark's role in the expedition and carry out Meriwether Lewis's wish that Clark be given the rank of captain.

This issue is of more than passing interest to the people of southern Indiana. These historic partners began their expedition at the Falls of the Ohio, near Clarksville, Indiana.

On September 1, 1803, Meriwether Lewis began his journey down the Ohio River toward Clarksville, Indiana, where he eventually met his partner on the expedition, William Clark. By October 14, Lewis had reached the Falls of the Ohio, a set of dangerous rapids created by a drop in the river over a two-mile series of limestone ledges. The following day, Lewis and his crew safely crossed the falls on the north side of the river. They then set out to meet William Clark, who was living in Clarksville with his brother, Revolutionary War hero George Rogers Clark.

The noted historian Stephen Ambrose wrote this about Lewis and Clark's meeting in Clarksville in his best-selling book Undaunted Courage: ''When they shook hands, the Lewis and Clark expedition began.'' During the two weeks following the meeting, Lewis and Clark selected the first official members of the expedition, a group referred to as the ''Corps of

Discovery.'' Lewis and Clark chose nine men in Clarksville to join them on the journey, and as Ambrose notes in Undaunted Courage, there ''the Corps of Discovery was born.''

The crew departed on October 26, 1803, thus marking Clarksville, Indiana as the actual point of origin for the Lewis and Clark Expedition.

Mr. Speaker, local officials and interested citizens in the Falls of the Ohio area are now planning an event of national significance to commemorate the bicentennial of the expedition's beginning. In 2003, Clarksville and the surrounding area will play an important role in commemorating the expedition and reminding our nation of its importance.

I encourage all Americans wishing to retrace the steps of the explorers to visit the Falls of the Ohio and its surrounding area. And I urge my colleagues to support H.R. 3621 so William Clark will receive the rank he was promised and so richly deserves.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. BERKLEY. Mr. Speaker, due to business at the White House, I was unable to vote during House consideration of S. 2311, the Ryan White CARE Act Amendments on Thursday, October 5, 2000. I would like the RECORD to note that, had I been present, I would have voted in support of this legislation.

CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mr. WOLF. Mr. Speaker, I submit for the RECORD the following charts relating to the debate on the Conference Report to H.R. 4475, the Department of Transportation and Related Agencies, 2001 Appropriations bill.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	(60,852)	69,186	(62,109)	(57,469)	63,245	+2,393
Immediate Office of the Secretary	1,867	(2,031)	1,756	1,800	(1,827)	(-40)
Immediate Office of the Deputy Secretary	600	(587)	587	500	(587)	(-13)
Office of the General Counsel	9,000	(11,172)	9,760	9,000	(9,972)	(+972)
Office of the Assistant Secretary for Policy	2,824	(3,132)	3,132	2,500	(3,011)	(+187)
Office of the Assistant Secretary for Aviation and International Affairs	7,650	(7,702)	7,182	7,000	(7,289)	(-361)
Office of the Assistant Secretary for Budget and Programs	6,870	(7,241)	7,241	6,500	(7,362)	(+492)
Office of the Assistant Secretary for Governmental Affairs	2,039	(2,176)	2,000	2,000	(2,150)	(+111)
Office of the Assistant Secretary for Administration	17,767	(20,139)	18,359	17,800	(19,020)	(+1,253)
Office of Public Affairs	1,800	(1,714)	1,454	1,500	(1,674)	(-126)
Executive Secretariat	1,102	(1,181)	1,181	1,181	(1,181)	(+79)
Board of Contract Appeals	520	(496)	496	496	(496)	(-24)
Office of Small and Disadvantaged Business Utilization	1,222	(1,192)	1,192	1,192	(1,192)	(-30)
Office of Intelligence and Security	1,454	(3,494)	1,490	.....	(1,262)	(-192)
Office of the Chief Information Officer	5,075	(6,929)	6,279	6,000	(6,222)	(+1,147)
Office of Intermodalism	1,062	.....	.....	.....	.....	(-1,062)
Subtotal	(60,852)	(69,186)	(62,109)	(57,469)	(63,245)	(+2,393)
Office of civil rights	7,200	8,726	8,140	8,000	8,140	+940
Transportation planning, research, and development	3,300	5,258	3,300	5,300	11,000	+7,700
Across the board (0.38%) rescission	-10	.....	.....	.....	.....	+10
Net subtotal	3,290	5,258	3,300	5,300	11,000	+7,710
Transportation Administrative Service Center	(148,673)	(163,811)	(119,387)	(173,278)	(126,887)	(-21,786)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	.....
(Limitation on direct loans)	(13,775)	.....	.....	(13,775)	.....	(-13,775)
(Limitation on guaranteed loans)	.....	(13,775)	(13,775)	.....	(13,775)	(+13,775)
Minority business outreach	2,900	3,000	3,000	3,000	3,000	+100
Across the board (0.38%) rescission	-18	.....	.....	.....	.....	+18
Net subtotal	2,882	3,000	3,000	3,000	3,000	+118
Total, Office of the Secretary	76,152	88,070	78,449	75,669	87,285	+11,133
ATB rescissions	-28	.....	.....	.....	.....	+28
Net total	76,124	88,070	78,449	75,669	87,285	+11,161
Coast Guard						
Operating expenses	2,481,000	2,858,000	2,851,000	2,398,460	2,851,000	+370,000
Defense function	300,000	341,000	341,000	641,000	341,000	+41,000
Subtotal	2,781,000	3,199,000	3,192,000	3,039,460	3,192,000	+411,000
Contingent emergency	77,000	.....	.....	.....	.....	-77,000
Acquisition, construction, and improvements:						
Vessels	134,560	257,180	252,640	145,937	156,450	+21,890
Across the board (0.38%) rescission	-1,478	.....	.....	.....	.....	+1,478
Net subtotal	133,082	257,180	252,640	145,937	156,450	+23,368
Aircraft	44,210	43,650	43,650	41,650	37,650	-6,560
Other equipment	51,626	60,313	60,113	54,304	60,113	+8,487
Shore facilities & aids to navigation facilities	63,800	61,606	61,606	68,406	63,336	-464
Personnel and related support	50,930	55,151	54,691	55,151	55,151	+4,221
Integrated Deepwater Systems	44,200	42,300	42,300	42,300	42,300	-1,900
Subtotal, A C & I (excluding rescission)	389,326	520,200	515,000	407,748	415,000	+25,674
Contingent emergency	578,000	.....	.....	.....	.....	-578,000
Environmental compliance and restoration	17,000	16,700	16,700	16,700	16,700	-300
Across the board (0.38%) rescission	-65	.....	.....	.....	.....	+65
Net subtotal	16,935	16,700	16,700	16,700	16,700	-235
Alteration of bridges	15,000	.....	14,740	15,500	15,500	+500
Across the board (0.38%) rescission	-57	.....	.....	.....	.....	+57
Net subtotal	14,943	.....	14,740	15,500	15,500	+557

NOTE: FY00 rescissions included in Net total lines.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Retired pay	730,327	778,000	778,000	778,000	778,000	+47,673
Reserve training	72,000	73,371	80,375	80,371	80,375	+8,375
Research, development, test, and evaluation	19,000	21,320	19,691	21,320	21,320	+2,320
Total, Coast Guard	4,023,653	4,608,591	4,616,506	4,359,099	4,518,895	+495,242
Contingent emergency	655,000					-655,000
ATB rescissions	-1,600					+1,600
Net total	4,677,053	4,608,591	4,616,506	4,359,099	4,518,895	-158,158
Federal Aviation Administration						
Operations	5,900,000	6,592,235	6,544,235	(6,350,250)	(6,544,235)	(+644,235)
Air traffic services	(4,648,907)	(5,210,434)		5,039,391	5,200,274	+551,367
Aviation regulation and certification	(640,162)	(691,979)		691,979	694,979	+54,817
Civil aviation security	(131,474)	(144,328)		138,462	139,301	+7,827
Research and acquisitions	(174,083)	(196,497)		182,401	189,988	+15,905
Commercial space transportation	(6,560)	(12,607)		10,000	12,000	+5,440
Financial services	(38,981)			43,000	48,444	+9,463
Human resources	(52,809)			49,906	54,864	+2,055
Regional coordination	(95,321)			99,347	99,347	+4,026
Staff offices	(73,093)	(336,390)		95,764	105,038	+31,945
Essential air service	(32,000)					-32,000
TASC	(6,610)					-6,610
Subtotal	(5,900,000)	(6,592,235)		(6,350,250)	(6,544,235)	(+644,235)
Facilities & equipment (Airport & Airway Trust Fund)	2,075,000	2,495,000	2,656,765	2,656,765	2,656,765	+581,765
Rescission	(-30,000)					(+30,000)
Research, engineering, and development (Airport and Airway Trust Fund)	156,495	184,366	184,366	183,343	187,000	+30,505
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,750,000)	(1,960,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,450,000)
(Limitation on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Across the board (0.38%) rescission	(-54,362)					(+54,362)
Rescission of contract authority			-579,000	-579,000	-579,000	-579,000
Net subtotal	(1,895,638)	(1,950,000)	(2,621,000)	(2,621,000)	(2,621,000)	(+725,362)
Total, Federal Aviation Administration	8,131,495	9,271,601	9,385,366	9,190,358	9,388,000	+1,256,505
(Limitations on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Total budgetary resources	(10,081,495)	(11,221,601)	(12,585,366)	(12,390,358)	(12,588,000)	(+2,506,505)
ATB rescissions	(-54,362)					(+54,362)
Rescission	-30,000		-579,000	-579,000	-579,000	-549,000
Net total	(9,997,133)	(11,221,601)	(12,006,366)	(11,811,358)	(12,009,000)	(+2,011,867)
Federal Highway Administration						
Limitation on administrative expenses 1/	(376,072)	(315,834)	(290,115)	(386,658)	(295,119)	(-80,953)
Limitation on transportation research			(437,250)			
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(26,245,000)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+358,806)
Across the board (0.38%) rescission	(-105,260)					(+105,260)
Net subtotal	(26,139,740)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+464,066)
(Revenue aligned budget authority) (RABA)	(1,456,350)	(3,058,000)	(3,058,000)	(3,058,000)	(3,058,000)	(+1,601,650)
(RABA transfer under Title III)		(-598,000)				
(Adjustment)		(255,000)				
Subtotal, limitation on obligations	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
(Liquidation of contract authorization)	(26,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(+2,000,000)
Emergency Relief Program (Highway Trust Fund) (contingent emergency appropriation)					720,000	+720,000
Total, Federal Highway Administration						
Contingent emergency					720,000	+720,000
(Limitations on obligations)	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Total budgetary resources	(28,908,052)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,513,330)
ATB rescissions	(-105,260)					(+105,260)
Net total	(28,802,792)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,618,590)

1/ FY 2000 enacted includes $76,058 for motor carrier safety, limitation on administrative expenses.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) 1/	.....	(92,194)	(92,194)	(92,194)	(92,194)	(+92,194)
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(Limitation on obligations)	(105,000)	(177,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(RABA transfer under Title III)	.....	(10,000)	.....	.....	.....	.....
Subtotal, limitation on obligations	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
Total, Federal Motor Carrier Safety Administration	.....	.....	.....	.....	.....	.....
(Limitations on obligations)	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)
Total budgetary resources	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)
National Highway Traffic Safety Administration						
Operations and research	87,400	142,475	107,876	107,876	116,876	+29,476
Operations and research (Highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	.....
(RABA transfer under Title III)	.....	(70,000)	.....	.....	.....	.....
(Liquidation of contract authorization)	(72,000)	(142,000)	(72,000)	(72,000)	(72,000)	.....
National Driver Register (Highway trust fund)	2,000	2,000	2,000	2,000	2,000	.....
Subtotal, Operations and research	(161,400)	(286,475)	(181,876)	(181,876)	(190,876)	(+29,476)
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(206,800)	(213,000)	(213,000)	(213,000)	(213,000)	(+6,200)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(152,800)	(155,000)	(155,000)	(155,000)	(155,000)	(+2,200)
Occupant protection incentive grants (Sec. 405)	(10,000)	(13,000)	(13,000)	(13,000)	(13,000)	(+3,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(36,000)	(36,000)	(36,000)	(36,000)	(36,000)	.....
State Highway safety data grants (Sec. 411)	(8,000)	(9,000)	(9,000)	(9,000)	(9,000)	(+1,000)
Total, National Highway Traffic Safety Administration	89,400	144,475	109,876	109,876	118,876	+29,476
(Limitations on obligations)	(278,800)	(355,000)	(285,000)	(285,000)	(285,000)	(+6,200)
Total budgetary resources	(368,200)	(499,475)	(394,876)	(394,876)	(403,876)	(+35,676)
Federal Railroad Administration						
Safety and operations	94,288	103,211	102,487	99,390	101,717	+7,429
Offsetting collections (user fees)	.....	-77,300	.....	.....	.....	.....
Railroad research and development	22,464	26,800	26,300	24,725	25,325	+2,861
Offsetting collections (user fees)	.....	-25,500	.....	.....	.....	.....
Rhode Island Rail Development	10,000	17,000	17,000	.....	17,000	+7,000
Across the board (0.38%) rescission	-38	.....	.....	.....	.....	+38
Net subtotal	9,962	17,000	17,000	.....	17,000	+7,038
Pennsylvania Station Redevelopment project (advance appropriation, FY 2001, 2002, 2003) 2/	(60,000)	.....	.....	.....	.....	(-60,000)
Next generation high-speed rail	27,200	22,000	22,000	24,900	25,100	-2,100
Across the board (0.38%) rescission	-103	.....	.....	.....	.....	+103
Net subtotal	27,097	22,000	22,000	24,900	25,100	-1,997
Alaska Railroad rehabilitation	10,000	.....	.....	20,000	20,000	+10,000
Across the board (0.38%) rescission	-38	.....	.....	.....	.....	+38
Net subtotal	9,962	.....	.....	20,000	20,000	+10,038
West Virginia Rail development	.....	.....	.....	15,000	15,000	+15,000
Capital grants to the National Railroad Passenger Corporation	571,000	521,476	521,476	521,000	521,476	-49,524
Expanded intercity rail passenger service fund (RABA transfer under Title III):						
(Liquidation of contract authorization)	.....	(468,000)	.....	.....	.....	.....
(Limitation on obligations)	.....	(468,000)	.....	.....	.....	.....
Total, Federal Railroad Administration	734,952	587,687	689,263	705,015	725,618	-9,334
(Limitations on obligations)	.....	(468,000)	.....	.....	.....	.....
Total budgetary resources	(734,952)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,334)
ATB rescissions	-179	.....	.....	.....	.....	+179
Net total	(734,773)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,155)

1/ Provided under FHWA limitation on administrative expenses in FY 2000.
2/ Provided in Title II - Other Appropriations Matters in P.L. 106-113.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Transit Administration						
Administrative expenses	12,000	12,800	12,800	12,800	12,800	+800
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(48,000)	(51,200)	(51,200)	(51,200)	(51,200)	(+3,200)
Subtotal, Administrative expenses	(60,000)	(64,000)	(64,000)	(64,000)	(64,000)	(+4,000)
Formula grants	619,600	669,000	669,000	669,000	669,000	+49,400
Formula grants (Highway Trust Fund): (Limitation on obligations)	(2,478,400)	(2,676,000)	(2,676,000)	(2,676,000)	(2,676,000)	(+197,600)
Subtotal, Formula grants	(3,098,000)	(3,345,000)	(3,345,000)	(3,345,000)	(3,345,000)	(+247,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	.....
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	.....
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	.....
Transit planning and research	21,000	22,200	22,200	22,200	22,200	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account): (Limitation on obligations)	(86,000)	(87,800)	(87,800)	(87,800)	(87,800)	(+1,800)
Subtotal, Transit planning and research	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	.....
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	.....
Metropolitan planning	(49,632)	(52,114)	(52,114)	(52,114)	(52,114)	(+2,482)
State planning	(10,368)	(10,886)	(10,886)	(10,886)	(10,886)	(+518)
National planning and research	(29,500)	(29,500)	(29,500)	(29,500)	(29,500)	.....
Subtotal	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)
Across the board (0.38%) rescission	(-243)	.....	.....	.....	.....	(+243)
Net subtotal	(106,757)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,243)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,929,270)	(5,016,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+87,330)
Capital investment grants	490,200	529,200	529,200	529,200	529,200	+39,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations) 1/	(1,966,800)	(2,116,800)	(2,116,800)	(2,116,800)	(2,116,800)	(+150,000)
Subtotal, Capital investment grants	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)
Fixed guideway modernization	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Buses and bus-related facilities 1/	(496,200)	(529,200)	(529,200)	(529,200)	(529,200)	(+33,000)
New starts	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Subtotal	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)
Across the board (0.38%) rescission	(-17,404)	.....	.....	.....	.....	(+17,404)
Net subtotal	(2,439,596)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+206,404)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	(1,500,000)	(350,000)	(350,000)	(350,000)	(350,000)	(-1,150,000)
Job access and reverse commute grants (general fund)	15,000	20,000	20,000	20,000	20,000	+5,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(60,000)	(80,000)	(80,000)	(80,000)	(80,000)	(+20,000)
(RABA transfer under Title III)	.....	(50,000)	.....	.....	.....	.....
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(100,000)	(100,000)	(100,000)	(+25,000)
Total, Federal Transit Administration	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitations on obligations)	(4,644,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+372,600)
Total budgetary resources	(5,803,000)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+468,000)
ATB rescissions	(-17,647)	.....	.....	.....	.....	(+17,647)
Net total	(5,785,353)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+485,647)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	12,042	.....	13,004	12,400	13,004	+962
Across the board (0.38%) rescission	-46	.....	.....	.....	.....	+46
Mandatory proposal	.....	(13,004)	.....	.....	.....	.....
Net total	11,996	13,004	13,004	12,400	13,004	+1,008

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	17,710	18,773	18,773	18,620	18,750	+1,040
Emergency transportation	1,378	2,375	1,866	1,801	1,831	+453
Research and technology	3,397	9,416	4,516	3,740	4,816	+1,419
Program and administrative support	9,576	11,967	11,297	10,209	10,976	+1,400
Subtotal, research and special programs	32,061	42,531	36,452	34,370	36,373	+4,312
Offsetting collections (user fees)		-4,722				
Pipeline safety:						
Pipeline Safety Fund	30,000	42,874	35,874	31,894	36,556	+6,556
Oil Spill Liability Trust Fund	5,479	4,263	4,263	8,750	7,488	+2,009
Pipeline safety reserve	(1,400)			(2,500)	(3,000)	(+1,600)
Subtotal, Pipeline safety program (including reserve)	(36,879)	(47,137)	(40,137)	(43,144)	(47,044)	(+10,165)
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	
Limitation on obligations (emergency preparedness fund) (non-add)				(13,227)	(14,300)	(+14,300)
Total, Research and Special Programs Administration	67,740	85,146	76,789	75,214	80,617	+12,877
Office of Inspector General						
Salaries and expenses	44,840	48,050	48,050	10,500	48,450	+3,610
Across the board (0.38%) rescission	-170					+170
Net total	44,670	48,050	48,050	10,500	48,450	+3,780
(By transfer)				(38,500)		
Total, program funding	(44,670)	(48,050)	(48,050)	(49,000)	(48,450)	(+3,780)
Surface Transportation Board						
Salaries and expenses	17,000	17,954	17,954	17,000	17,954	+954
Offsetting collections	-1,600	-17,954	-900	-954	-900	+700
Across the board (0.38%) rescission	-58					+58
Net total	15,342		17,054	16,046	17,054	+1,712
General Provisions						
Transportation Administrative Service Center reduction	-15,000		-4,000	-53,530		+15,000
Federal aid to highways (Sec. 326)				54,963	54,963	+54,963
Amtrak Reform Council (Sec. 329)	750	980	450	495	750	
Muscle Shoals, Tuscumbia, and Sheffield (Sec. 375)					5,000	+5,000
Valley trains and tours (Sec. 376)					1,000	+1,000
Miscellaneous highways (Sec. 378)					1,370,000	+1,370,000
Woodrow Wilson Memorial Bridge (Sec. 379)					600,000	+600,000
Net total, title I, Department of Transportation	15,023,343	16,089,000	15,706,207	15,231,505	18,424,912	+3,401,569
Current year, FY 2001	(14,963,343)	(16,089,000)	(15,706,207)	(15,231,505)	(18,424,569)	(+3,461,569)
Appropriations	(14,995,424)	(16,089,000)	(16,285,207)	(15,810,505)	(18,283,912)	(+3,943,488)
Rescissions	(-32,081)		(-579,000)	(-579,000)	(-579,000)	(-546,919)
Contingent emergency	(655,000)				(720,000)	(+65,000)
Advance appropriations	(60,000)					(-60,000)
(By transfer)				(38,500)		
(Limitations on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,450)
(Rescissions of limitations on obligations)	(-177,269)					(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net total budgetary resources	(50,731,926)	(54,566,176)	(55,178,383)	(54,703,253)	(57,897,088)	(+7,165,162)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	4,633	4,795	4,795	4,795	4,795	+162
National Transportation Safety Board						
Salaries and expenses	57,000	62,942	62,942	59,000	62,942	+5,942
Offsetting collections		-10,000				
Total, title II, Related Agencies	61,633	57,737	67,737	63,795	67,737	+6,104

H.R. 4475 - DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Grand total	15,084,976	16,146,737	15,773,944	15,295,300	18,492,649	+3,407,673
Current year, FY 2001	(15,024,976)	(16,146,737)	(15,773,944)	(15,295,300)	(18,492,649)	(+3,467,673)
Appropriations	(15,057,057)	(16,146,737)	(16,352,944)	(15,874,300)	(18,351,649)	(+3,949,592)
Rescissions	(-32,081)	.....	(-579,000)	(-579,000)	(-579,000)	(-546,919)
Contingent emergency	(655,000)	.....	.....	.....	(720,000)	(+65,000)
Advance appropriations	(60,000)	.....	.....	.....	.....	(-60,000)
(By transfer)	.....	.....	.....	(38,500)	.....	.....
(Limitation on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,450)
(Rescissions of limitation on obligations)	(-177,269)	.....	.....	.....	.....	(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net total budgetary resources	(50,793,559)	(54,623,913)	(55,246,120)	(54,767,048)	(57,964,825)	(+7,171,266)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	-3,000	-13,000	-7,000	-2,000	-7,000	-4,000
Advance appropriations	-60,000	20,000	20,000	20,000	20,000	+80,000
Rescission of advance	.....	.....	-20,000	.....	.....	.....
FTA: Capital invest grants (Title II PL 106-113)	6,000	.....	.....	.....	.....	-6,000
FTA: Capital investment grants (limitations on obligations)	(-6,000)	.....	.....	.....	.....	(+6,000)
Across the board cut (0.38%)	-50,000	.....	.....	.....	.....	+50,000
CBO/OMB adjustment	2,081	.....	.....	.....	.....	-2,081
National Academy of Sciences	.....	.....	.....	1,000	.....	.....
Total, adjustments	-104,919	7,000	-7,000	19,000	13,000	+117,919
Net grand total (including scorekeeping)	14,980,057	16,153,737	15,766,944	15,314,300	18,505,649	+3,525,592
Current year, FY 2001	(14,980,057)	(16,133,737)	(15,746,944)	(15,294,300)	(18,485,649)	(+3,505,592)
Appropriations	(14,357,138)	(16,133,737)	(16,345,944)	(15,873,300)	(18,344,649)	(+3,987,511)
Rescissions	(-32,081)	.....	(-599,000)	(-579,000)	(-599,000)	(-566,919)
Contingent emergency	(655,000)	.....	.....	.....	(720,000)	(+65,000)
Advance appropriations	.....	(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)
(By transfer)	.....	.....	.....	(38,500)	.....	.....
(Limitations on obligations)	(34,673,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,759,450)
(Rescissions of limitations on obligations)	(-177,269)	.....	.....	.....	.....	(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net grand total budgetary resources	(50,682,640)	(54,630,913)	(55,239,120)	(54,786,048)	(57,977,825)	(+7,295,185)
RECAP BY FUNCTION						
Mandatory	730,327	778,000	778,000	778,000	778,000	+47,673
Discretionary:						
Highway category: (Limitation on obligations)	(28,085,150)	(29,953,000)	(30,216,000)	(30,216,000)	(30,216,000)	(+2,130,850)
Mass Transit category	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitation on obligations)	(4,638,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+378,600)
General purpose discretionary:						
Defense discretionary	300,000	341,000	341,000	641,000	341,000	+41,000
Nondefense discretionary	12,790,730	13,780,337	13,393,544	12,640,900	16,132,249	+3,341,519
Total, General purpose discretionary	13,090,730	14,121,337	13,734,544	13,281,900	16,473,249	+3,382,519
Total, Discretionary	14,249,730	15,375,737	14,988,944	14,536,300	17,727,649	+3,477,919

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 12, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 13

10 a.m.

Judiciary

Criminal Justice Oversight Subcommittee

To hold oversight hearings to examine the United States Sentencing Commission, focusing on whether guidelines are being followed.

SD–226